JOURNAL

OF THE

REGULAR SESSION

OF THE

House of Representatives

OF THE

COMMONWEALTH OF KENTUCKY.

Begun and Held in the City of Frankfort on Tuesday, the Seventh Day of January, in the year of Our Lord 1908, and of the Commonwealth One Hundred and Sixteen.

PROPERTY OF THE STATE OF KENTUCKY.

LOUISVILLE:
THE GLOBE PRINTING COMPANY.
1908.

JOURNAL

OF THE

House of Representatives.

TUESDAY, JANUARY 7, 1908.

At a General Assembly of the Commonwealth, began and held at the Capitol in the city of Frankfort, on Tuesday, the seventh day of January, in the year of our Lord, one thousand nine hundred and eight, and the one hundred and sixteenth year of the Commonwealth, that being the day fixed by the Constitution for the meeting thereof, James E. Stone, Chief Clerk of the House of Representatives during the session of the General Assembly last past, called the House of Representatives to order, and after prayer by Rev. T. N. Arnold, of the Christian Church, produced and read the following certificate from the Secretary of State, viz.:

COMMONWEALTH OF KENTUCKY,
OFFICE OF SECRETARY OF STATE.

I, H. V. McChesney, Secretary of State of the Commonwealth of Kentucky, hereby certify that the following named persons were at the regular election on the 5th day of November, 1907, duly elected as members of the General Assembly of the Commonwealth of Kentucky, for their respective districts, as appears from certificates of election on file in my office to-wit:

From the counties of Adair and Cumberland—G. L. Perryman.

From the county of Allen—Thurman B. Dixon.

From the county of Anderson—Wm. E. Dowling.

From the counties of Ballard and Carlisle—Jesse F. Nichols.

From the county of Barren—W. F. Edmunds.

From the counties of Bath and Rowan—F. Pierce Blair.

From the counties of Bell, Harlan, Leslie and Perry—Denver B. Cornett.

From the county of Boone—J. W. Berkshire.

From the county of Bourbon—J. Hal. Woodford.

From the counties of Boyd and Lawrence—Garfield Moore .

From the county of Boyle—E. W. Lillard.

From the county of Bracken—G. T. Reynolds.

From the counties of Breathitt, Lee and Magoffin—Samuel J. Patrick.

From the county of Breckenridge—John P. Haswell, Jr.

From the counties of Bullitt and Spencer—Wm. M. Thompson.

From the counties of Butler and Edmonson—H. L. Myers.

From the county of Caldwell—W. H. Jones.

From the county of Calloway—J. B. Swann.

From the county of Campbell—Harry Weitkamp.

From the city of Newport—O. P. Applegate.

From the counties of Carrol and Gallatin—A. A. Allphin.

From the counties of Carter and Elliott—R. F. Hutchinson.

From the counties of Casey and Russell—R. S. Rector.

From the county of Christian—John Feland.

From the county of Clark—R. Dillard Hunter.

From the counties of Clay, Jackson and Owsley—W. A. Cope.

From the counties of Clinton and Wayne—J. A. Sloan.

From the counties of Crittenden and Livingston—Albert Butler.

From the county of Daviess (1st Dist.)—P. W. Berkshire.

From the county of Daviess (2d Dist.)—H. K. Cole.

From the counties of Estill and Powell—A. T. Knox.

From the county of Fayette (1st Dist.)—C. C. Patrick.
From the county of Fayette (2d Dist.)—W. F. Klair.
From the county of Fleming—John T. Shanklin.
From the counties of Floyd, Knott and Letcher—W. W. Hopkins.
From the county of Franklin—J. T. Buford.
From the counties of Fulton and Hickman—W. J. Jackson.
From the county of Garrard—W. C. Wynn.
From the county of Grant—John S. Steers.
From the county of Graves—O. Houston Brooks.
From the county of Grayson—S. L. Givan.
From the counties of Green and Taylor—G. W. Parrott.
From the county of Greenup—C. W. G. Hannah.
From the county of Hancock—R. E. Stewart.
From the county of Hardin—John C. Pirtle.
From the county of Harrison—J. W. Stump.
From the county of Hart—W. H. Strange.
From the county of Henderson—F. M. Hutcheson, Jr.
From the county of Henry—Geo. C. Waggoner.
From the county of Hopkins—Thos. E. Finley.
From the county of Jefferson, 44th District—R. L. Gwathmey.
From the county of Jefferson, 45th District—Wm. S. Markolf.
From the county of Jefferson, 46th District—Chris. Mueller.
From the county of Jefferson, 47th District—John T. Davis.
From the county of Jefferson, 48th District—Cleves G. Kinkead.
From the county of Jefferson, 49th District—Robert L. Harris.
From the county of Jefferson, 50th District—Emanuel Meyer.
From the county of Jefferson, 51st District—John P. Wallace.
From the county of Jessamine—Hugh Mahin.
From the counties of Johnson and Martin—Isaac G. Rice.
From the county of Kenton, 1st District—Robert C. Simmons.
From the county of Kenton, 2d District—C. C. Chase.
From the county of Kenton, 3d District—Louis W. Arnett.
From the counties of Knox and Whitley—Sawyer A. Smith.

From the county of Larue—Robert Enlow.
From the counties of Laurel and Rockcastle—W. A. B. Davis.
From the county of Lewis—Jasper D. Lowder.
From the county of Lincoln—W. H. Shanks.
From the county of Logan—W. V. Perry.
From the counties of Lyon and Marshall—John L. Smith.
From the county of Madison—J. A. Sullivan.
From the county of Marion—T. C. Jackson.
From the county of Mason—Virgil McKnight.
From the county of McCracken—F. E. Graves.
From the county of McLean—A. T. Lee.
From the county of Meade—Gus. W. Richardson.
From the county of Mercer—W. N. Brown, Jr.
From the counties of Metcalf and Monroe—Henry H. Denham.
From the counties of Montgomery and Menifee—J. Will Clay.
From the counties of Morgan and Wolfe—A. C. Oliver.
From the county of Muhlenberg—D. P. Taggart.
From the county of Nelson—Frank J. Brown.
From the counties of Nicholas and Robertson—C. S. Templeman.
From the county of Ohio—J. A. Duff.
From the counties of Oldham and Trimble—Eugene W. Tandy.
From the county of Owen—J. H. Jackson.
From the county of Pendleton—Dr. C. F. Crecelius.
From the county of Pike—J. B. Maynard.
From the county of Pulaski—W. Harrison Isaacs.
From the county of Scott—Robert H. Anderson.
From the county of Shelby—Elliott B. Beard.
From the county of Simpson—W. J. Gooch.
From the county of Todd—W. L. Kimbrough.
From the county of Trigg—E. E. Wash.
From the county of Union—Geo. S. Wilson.
From the county of Warren, 1st District—Duncan Milliken.
From the county of Warren, 2d District—W. R. Whitlow.

From the county of Washington—W. C. McChord.

From the county of Webster—J. F. Porter.

From the county of Woodford—H. A. Schoberth.

Witness my hand and official seal, this January 4, 1908.

H. V. McCHESNEY,
Secretary of State.

The roll of Members was called and the following answered to their names, viz.:

A. A. Allphin,
Robt. H. Anderson,
O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Thurman B. Dixon,
Wm. E. Dowling.
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
John Feland,
J. P. Haswell, Jr.
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Virgil McKnight,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Garfield Moore,
Chris. Mueller,
Jesse F. Nichols,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,

Thos. E. Finley,
S. L. Givan,
F. E. Graves,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
W. R. Whitlow,
Geo. S. Wilson,
J. Hal. Woodford,
W. C. Wynn,
Speaker Gooch—99

All of the above named members appeared at the Clerk's desk and the oath of office as required by law was administered to each by James H. Polsgrove, Esq., County Judge within and for the county of Franklin.

The said Chief Clerk then announced that the election of a Speaker of the house of Representatives was in order.

Mr. Porter named Hon. W. J. Gooch, of the county of Simpson, as a suitable person to fill said office.

Mr. Sawyer A. Smith named Hon. John P. Haswell, Jr., of the county of Breckenridge, as a suitable person to fill said office.

The vote being taken between those named resulted as follows, viz.:

Those who voted for Mr. Gooch were—

A. A. Allphin,
Robt. H. Anderson,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
J. Will Clay,
Dr. C. F. Crecelius,
Wm. E. Dowling,
W. F. Edmunds,
F. M. Hutcheson, Jr.
J. H. Jackson,
W. J. Jackson,
W. F. Klair,
E. W. Lillard,
Hugh Mahin,
W. C. McChord,
Virgil McKnight,
Duncan Milliken,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
H. A. Schoberth,
W. H. Shanks,
Robert C. Simmons,
John L. Smith,
John S. Steers,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
E. E. Wash,

Robert Enlow,
F. E. Graves,
W. W. Hopkins,
R. Dillard Hunter,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
Gus W. Richardson,
W. R. Whitlow,
Geo. S. Wilson,
J. H. Woodford—50.

Those who voted for Mr. Haswell were—

O. P. Applegate,
F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
C. C. Chase,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
John T. Davis,
W. A. B. Davis,
Thurman B. Dixon,
J. A. Duff,
John Feland,
Thos. E. Finley,
S. L. Givan,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
R. F. Hutchinson,
W. Harrison Isaacs,
T. C. Jackson,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
Emanuel Meyer,
H. L. Myers,
Garfield Moore,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
G. L. Perryman,
R. S. Rector,
Isaac G. Rice,
John T. Shanklin,
J. A. Sloan,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
D. P. Taggart,
John P. Wallace,
Harry Weitkamp,
W. C. Wynn,—47

Mr. Gooch having received a majority of the votes cast, a majority of the members elected being present and voting, was declared to be duly elected Speaker of the House of Representatives.

The Clerk aforesaid appointed Messrs. Sullivan, F. M. Hutcheson, Jr., and Haswell a committee to inform the Speaker-elect of his election and escort him to the chair.

After taking the oath of office as required by law, the Speaker returned his thanks to the House for the honor conferred, recommended and urged the proper observance of order and decorum, and announced that the next business in order was the election of a Chief Clerk of the House.

Mr. Porter named James E. Stone, of Breckenridge county as a suitable person to fill said position.

Mr. Sawyer A. Smith named John Shields, of Jefferson county, as a suitable person to fill said position.

The vote being taken between those named resulted as follows, viz.:

Those who voted for Mr. Stone were—

A. A. Allphin,	F. M. Hutcheson, Jr.	H. A. Schoberth,
Robt. H. Anderson,	J. H. Jackson,	W. H. Shanks,
Louis W. Arnett,	W. J. Jackson,	R. C. Simmons,
Elliott B. Beard,	W. F. Klair,	John L. Smith,
J. W. Berkshire,	E. W. Lillard,	John S. Steers,
P. W. Berkshire,	Hugh Mahin,	J. W. Stump,
O. Houston Brooks,	W. C. McChord,	J. A. Sullivan,
Frank J. Brown,	Virgil McKnight,	J. B. Swann,
J. T. Buford,	Duncan Milliken,	Eugene W. Tandy,
J. Will Clay,	Chris. Mueller,	C. S. Templeman,
Dr. C. F. Crecelius,	Jesse F. Nichols,	Wm. M. Thompson,
Wm. E. Dowling,	A. C. Oliver,	Geo. C. Waggoner,
W. F. Edmunds,	W. V. Perry,	E. E. Wash,
Robert Enlow,	John C. Pirtle,	W. R. Whitlow,
F. E. Graves,	J. F. Porter,	Geo. S. Wilson,
W. W. Hopkins,	G. T. Reynolds,	J. Hal. Woodford,
R. Dillard Hunter,	Gus W. Richardson,	W. J. Gooch,—51

Those who voted for Mr. Shields were—

O. P. Applegate,	C. W. G. Hannah,	Garfield Moore,
F. Pierce Blair,	R. L. Harris,	G. W. Parrott,
W. N. Brown, Jr.	J. P. Haswell, Jr.	C. C. Patrick,
Albert Butler,	R. F. Hutchinson,	Samuel J. Patrick,
C. C. Chase,	W. Harrison Isaacs	G. L. Perryman,
H. K. Cole,	T. C. Jackson,	R. S. Rector,
W. A. Cope,	W. H. Jones,	Isaac G. Rice,
Denver B. Cornett,	W. L. Kimbrough,	John T. Shanklin,

John T. Davis,	Cleves G. Kinkead,	J. A. Sloan,
W. A. B. Davis,	A. T. Knox,	Sawyer A. Smith,
Thurman B. Dixon,	A. T. Lee,	R. E. Stewart,
J. A. Duff,	Jasper D. Lowder,	W. H. Strange,
John Feland,	Wm. S. Markolf,	D. P. Taggart,
Thos. E. Finley,	J. B. Maynard,	J. P. Wallace,
S. L. Givan,	Emanuel Meyer,	Harry Weitkamp,
R. L. Gwathmey,	H. L. Myers,	W. C. Wynn,—48

Mr. Stone having received a majority of the votes cast, a majority of the members elected being present and voting, was declared duly elected Chief Clerk of the House of Representatives, and thereupon took the oath as required by law.

The Speaker then announced as the next business in order the election of Assistant Clerk of the House of Representatives.

Mr. Porter named Marion F. Pogue, of Crittenden County, as a suitable person to fill said position.

Mr. Sawyer A. Smith named Roscoe I. Downs, of McLean county, as a suitable person to fill said position.

The vote being taken between the persons named resulted as follows, viz.:

Those who voted for Mr. Pogue were—

A. A. Allphin,	F. M. Hutcheson, Jr.	H. A. Schoberth,
Robt. H. Anderson,	J. H. Jackson,	W. H. Shanks,
Louis W. Arnett,	W. J. Jackson,	R. C. Simmons,
Elliott B. Beard,	W. F. Klair,	John L. Smith,
J. W. Berkshire,	E. W. Lillard,	John S. Steers,
P. W. Berkshire,	Hugh Mahin,	J. W. Stump,
O. Houston Brooks,	W. C. McChord,	J. A. Sullivan,
Frank J. Brown,	Virgil McKnight,	J. B. Swann,
J. T. Buford,	Duncan Milliken,	Eugene W. Tandy,

J. Will Clay,
Dr. C. F. Crecelius,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
F. E. Graves,
W. W. Hopkins,
R. Dillard Hunter,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
Gus W. Richardson,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson,
J. Hal. Woodford,
Speaker Gooch—51

Those who voted for Mr. Downs were—

O. P. Applegate,
F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
C. C. Chase,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
John T. Davis,
W. A. B. Davis,
Thurman B. Dixon,
J. A. Duff,
John Feland,
Thos. E. Finley,
S. L. Givan,
R. L. Gwathmey,
C. W. G. Hannah,
R. L. Harris,
J. P. Haswell, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
T. C. Jackson,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
Emanuél Meyer,
H. L. Myers,
Garfield Moore,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
G. L. Perryman,
R. S. Rector,
Isaac G. Rice,
John T. Shanklin,
J. A. Sloan,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
D. P. Taggart,
John P. Wallace,
Harry Weitkamp,
W. C. Wynn,—48

Mr. Pogue having received a majority of the votes cast, a majority of the members elected being present and voting, was declared duly elected Assistant Clerk of the House of Representatives and at once took the oath of office as required by law.

The Speaker announced that the next business in order was the election of Enrolling Clerk.

Mr. Porter announced the name of Miss Amy V. Lyons, of Jessa-

mine county, as a suitable person to fill said position.

Mr. Sawyer A. Smith named A. B. Hammond, of Franklin county, as a suitable person to fill said position.

The vote being taken between these persons named resulted as follows, viz.:

Those who voted for Miss Lyons were—

A. A. Allphin,	F. M. Hutcheson, Jr.	W. H. Shanks,
Robt. H. Anderson,	J. H. Jackson,	R. C. Simmons,
Louis W. Arnett,	W. J. Jackson,	John L. Smith,
Elliott B. Beard,	W. F. Klair,	John S. Steers,
J. W. Berkshire,	E. W. Lillard,	J. W. Stump,
P. W. Berkshire,	Hugh Mahin,	J. A. Sullivan,
O. Houston Brooks,	W. C. McChord,	J. B. Swann,
Frank J. Brown,	Duncan Milliken,	Eugene W. Tandy,
J. T. Buford,	Chris. Mueller,	C. S. Templeman,
J. Will Clay,	Jesse F. Nichols,	Wm. M. Thompson,
Dr. C. F. Crecelius,	A. C. Oliver,	Geo. C. Waggoner,
Wm. E. Dowling,	W. V. Perry,	E. E. Wash,
W. F. Edmunds,	John C. Pirtle,	W. R. Whitlow,
Robert Enlow,	J. F. Porter,	Geo. S. Wilson,
F. E. Graves,	G. T. Reynolds,	J. Hal. Woodford,
W. W. Hopkins,	Gus W. Richardson,	Speaker Gooch—50
R. Dillard Hunter,	H. A. Schoberth,	

Those who voted for Mr. Hammond were—

O. P. Applegate,	C. W. G. Hannah,	Garfield Moore,
F. Pierce Blair,	R. L. Harris,	G. W. Parrott,
W. N. Brown, Jr.	J. P. Haswell, Jr.	C. C. Patrick,
Albert Butler,	R. F. Hutchinson,	Samuel J. Patrick,
C. C. Chase,	W. Harrison Isaacs,	G. L. Perryman,
H. K. Cole,	T. C. Jackson,	R. S. Rector,
W. A. Cope,	W. H. Jones,	Isaac G. Rice,
Denver B. Cornett,	W. L. Kimbrough,	John T. Shanklin,

John T. Davis,	Cleves G. Kinkead,	J. A. Sloan,
W. A. B. Davis,	A. T. Knox,	Sawyer A. Smith,
Thurman B. Dixon,	A. T. Lee,	R. E. Stewart,
J. A. Duff,	Jasper D. Lowder,	W. H. Strange,
John Feland,	Wm. S. Markolf,	D. P. Taggart,
Thos. E. Finley,	J. B. Maynard,	J. P. Wallace,
S. L. Givan,	Emanuel Meyer,	Harry Weitkamp,
R. L. Gwathmey,	H. L. Myers,	W. C. Wynn—48

Miss Amy V. Lyons having received a majority of all the votes cast, a majority of all the members elected being present and voting, was declared duly elected Enrolling Clerk of the House and thereupon took the oath of office as required by law.

The Speaker announced that the next business in order was the election of a Sergeant-at-Arms.

Mr. Porter named C. W. Longmire, of Fayette county, as a suitable person to fill said position.

Mr. Sawyer A. Smith named M. J. Clark, of Hopkins county, as a suitable person to fill said position.

The vote being taken between the persons named, resulted as follows, viz.:

Those who voted for Mr. Longmire were—

A. A. Allphin,	F. M. Hutcheson, Jr.	H. A. Schoberth,
Robt. H. Anderson,	J. H. Jackson,	W. H. Shanks,
Louis W. Arnett,	W. J. Jackson,	Robert C. Simmons,
Elliott B. Beard,	W. F. Klair,	John L. Smith,
J. W. Berkshire,	E. W. Lillard,	John S. Steers,
P. W. Berkshire,	Hugh Mahin,	J. W. Stump,
O. Houston Brooks,	W. C. McChord,	J. A. Sullivan,
Frank J. Brown,	Virgil McKnight,	J. B. Swann,
J. T. Buford,	Duncan Milliken,	Eugene W. Tandy,

J. Will Clay,	Chris. Mueller,	C. S. Templeman,
Dr. C. F. Crecelius,	Jesse F. Nichols,	Wm. M. Thompson,
Wm. E. Dowling,	A. C. Oliver,	Geo. C. Waggoner,
W. F. Edmunds,	W. V. Perry,	E. E. Wash,
Robert Enlow,	John C. Pirtle,	W. R. Whitlow,
F. E. Graves,	J. F. Porter,	Geo. S. Wilson,
W. W. Hopkins,	G. T. Reynolds,	J. Hal. Woodford,
R. Dillard Hunter,	Gus W. Richardson,	Speaker Gooch—51

Those who voted for Mr. Clark were—

O. P. Applegate,	C. W. G. Hannah,	Garfield Moore,
F. Pierce Blair,	Robert L. Harris,	G. W. Parrott,
W. N. Brown, Jr.	J. P. Haswell, Jr.	C. C. Patrick,
Albert Butler,	R. F. Hutchinson,	Samuel J. Patrick,
C. C. Chase,	W. Harrison Isaacs,	G. L. Perryman,
H. K. Cole,	T. C. Jackson,	R. S. Rector,
W. A. Cope,	W. H. Jones,	Isaac G. Rice,
Denver B. Cornett,	W. L. Kimbrough,	John T. Shanklin,
John T. Davis,	Cleves G. Kinkead	J. A. Sloan,
W. A. B. Davis,	A. T. Knox,	Sawyer A. Smith,
Thurman B. Dixon,	A. T. Lee,	R. E. Stewart,
J. A. Duff,	Jasper D. Lowder,	W. H. Strange,
John Feland,	Wm. S. Markolf,	D. P. Taggart,
Thos. E. Finley,	J. B. Maynard,	J. P. Wallace,
S. L. Givan,	Emanuel Meyer,	Harry Weitkamp,
R. L. Gwathmey,	H. L. Myers,	W. C. Wynn,—48

C. W. Longmire having received a majority of all the votes cast, a majority of all the members elected being present and voting, was declared duly elected Sergeant-at-Arms of the House, and thereupon he took the oath of office as required by law.

The Speaker announced that the next business in order was the election of a Doorkeeper.

Mr. Porter named A. C. Dunn, of Lincoln county, as a suitable person to fill said position.

Mr. Sawyer A. Smith named Warner W. Jesse of Shelby county, as a suitable person to fill said position.

The vote being taken between the persons named resulted as follows, viz.:

Those who voted for Mr. Dunn were—

A. A. Allphin,
Robt. H. Anderson,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
J. Will Clay,
Dr. C. F. Crecelius,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
F. E. Graves,
W. W. Hopkins,
R. Dillard Hunter,
J. H. Jackson,
W. J. Jackson,
W. F. Klair,
E. W. Lillard,
Hugh Mahin,
W. C. McChord,
Virgil McKnight,
Duncan Milliken,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
R. C. Simmons,
John L. Smith,
John S. Steers,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson,
J. Hal. Woodford,
Speaker Gooch—51

Those who voted for Mr. Jesse were—

O. P. Applegate,
F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
C. C. Chase,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
John T. Davis,
C. W. G. Hannah,
Robert L. Harris,
J. P. Haswell, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
T. C. Jackson,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
Garfield Moore,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
G. L. Perryman,
R. S. Rector,
Isaac G. Rice,
John T. Shanklin,
J. A. Sloan,

W. A. B. Davis,	A. T. Knox,	Sawyer A. Smith,
Thurman B. Dixon,	A. T. Lee,	R. E. Stewart,
J. A. Duff,	Jasper D. Lowder,	W. H. Strange,
John Feland,	Wm. S. Markolf,	D. P. Taggart,
Thos. E. Finley,	J. B. Maynard,	J. P. Wallace,
S. L. Givan,	Emanuel Meyer,	Harry Weitkamp,
R. L. Gwathmey,	H. L. Myers,	W. C. Wynn—48

Mr. A. C. Dunn having received a majority of the votes cast, a majority of all the members elected being present and voting, was declared duly elected Doorkeeper of the House, and he thereupon took the oath of office as required by law.

The Speaker then announced as the next business in order the election of a Janitor for the House of Representatives.

Mr. Porter named Chas. H. Parrish, of Clark county, as a suitable person to fill said position.

Mr. Sawyer Smith named Gilbert Borne, of Todd county, as a suitable person to fill said position.

The vote being taken between the persons named resulted as follows:

Those who voted for Mr. Parrish were—

A. A. Allphin,	F. M. Hutcheson, Jr.	H. A. Schoberth,
Robt. H. Anderson,	J. H. Jackson,	W. H. Shanks,
Louis W. Arnett,	W. J. Jackson,	R. C. Simmons,
Elliott B. Beard,	W. F. Klair,	John L. Smith,
J. W. Berkshire,	E. W. Lillard,	John S. Steers,
P. W. Berkshire,	Hugh Mahin,	J. W. Stump,
O. Houston Brooks,	W. C. McChord,	J. A. Sullivan,
Frank J. Brown,	Virgil McKnight,	J. B. Swann,
J. T. Buford,	Duncan Milliken,	Eugene W. Tandy,
J. Will Clay,	Chris Mueller,	C. S. Templeman,

Dr. C. F. Crecelius,	Jesse F. Nichols,	Wm. M. Thompson,
Wm. E. Dowling,	A. C. Oliver,	Geo. C. Waggoner,
W. F. Edmunds,	W. V. Perry,	E. E. Wash,
Robert Enlow,	John C. Pirtle,	W. R. Whitlow,
F. E. Graves,	J. F. Porter,	Geo. S. Wilson,
W. W. Hopkins,	G. T. Reynolds.	J. Hal. Woodford,
R. Dillard Hunter,	Gus W. Richardson,	Speaker Gooch—51

Those who voted for Mr. Borne were—

O. P. Applegate,	C. W. G. Hannah,	Garfield Moore,
F. Pierce Blair,	Robert L. Harris,	G. W. Parrott,
W. N. Brown, Jr.	John P. Haswell, Jr.	C. C. Patrick,
Albert Butler,	R. F. Hutchinson,	Samuel J. Patrick,
C. C. Chase,	W. Harrison Isaacs,	G. L. Perryman,
H. K. Cole,	T. C. Jackson,	R. S. Rector,
W. A. Cope,	W. H. Jones,	Isaac G. Rice,
Denver B. Cornett,	W. L. Kimbrough,	John T. Shanklin,
John T. Davis,	Cleves G. Kinkead,	J. A. Sloan,
W. A. B. Davis,	A. T. Knox,	Sawyer A. Smith,
Thurman B. Dixon,	A. T. Lee,	R. E. Stewart,
J. A. Duff,	Jasper D. Lowder,	W. H. Strange,
John Feland,	Wm. S. Markolf,	D. P. Taggart,
Thos. E. Finley,	J. B. Maynard,	J. P. Wallace,
S. L. Givan,	Emanuel Meyer,	Harry Weitkamp,
R. L. Gwathmey,	H. L. Myers,	W. C. Wynn—48

Mr. Parrish having received a majority of the votes cast, a majority of the members elected being present and voting, was declared duly elected Janitor of the House of Representatives, and at once took the oath of office as required by law.

The Speaker announced that the next business in order would be the election of Cloak Room Keepers.

Mr. Porter named Messrs. Guy Vinson, of Muhlenberg county, and Jas. Edwards, of Webster county, as suitable persons to fill said positions.

Mr. Sawyer A. Smith named Messrs. G. W. Drane, of Ohio county, and Bennett Clark, of Livingston county, as suitable persons to fill said positions.

The vote being taken between the persons named resulted as follows:

Those who voted for Messrs. Vinson and Edwards were—

A. A. Allphin,	F. M. Hutcheson, Jr.	H. A. Schoberth,
Robt. H. Anderson,	J. H. Jackson,	W. H. Shanks,
Louis W. Arnett,	W. J. Jackson,	Robert C. Simmons,
Elliott B. Beard,	W. F. Klair,	John L. Smith,
J. W. Berkshire,	E. W. Lillard,	John S. Steers,
P. W. Berkshire,	Hugh Mahin,	J. W. Stump,
O. Houston Brooks,	W. C. McChord,	J. A. Sullivan,
Frank J. Brown,	Virgil McKnight,	J. B. Swann,
J. T. Buford,	Duncan Milliken,	Eugene W. Tandy,
J. Will Clay,	Chris. Mueller,	C. S. Templeman,
Dr. C. F. Crecelius,	Jesse F. Nichols,	Wm. M. Thompson,
Wm. E. Dowling,	A. C. Oliver,	Geo. C. Waggoner,
W. F. Edmunds,	W. V. Perry,	E. E. Wash,
Robert Enlow,	John C. Pirtle,	W. R. Whitlow,
F. E. Graves,	J. F. Porter,	Geo. S. Wilson,
W. W. Hopkins,	G. T. Reynolds,	J. Hal. Woodford,
R. Dillard Hunter,	Gus W. Richardson,	Speaker Gooch—51

Those who voted for Messrs. Drane and Clark were—

O. P. Applegate,	C. W. G. Hannah,	Garfield Moore,
F. Pierce Blair,	Robert L. Harris,	G. W. Parrott,
W. N. Brown, Jr.	J. P. Haswell, Jr.	C. C. Patrick,
Albert Butler,	R. F. Hutchinson,	Samuel J. Patrick,
C. C. Chase,	W. Harrison Isaacs,	G. L. Perryman,
H. K. Cole,	T. C. Jackson,	R. S. Rector,
W. A. Cope,	W. H. Jones,	Isaac G. Rice,
Denver B. Cornett,	W. L. Kimbrough,	John T. Shanklin,

John T. Davis,	Cleves G. Kinkead,	J. A. Sloan,
W. A. B. Davis,	A. T. Knox,	Sawyer A. Smith,
Thurman B. Dixon,	A. T. Lee,	R. E. Stewart,
J. A. Duff,	Jasper D. Lowder,	W. H. Strange,
John Feland,	Wm. S. Markolf,	D. P. Taggart,
Thos. E. Finley,	J. B. Maynard,	John P. Wallace,
S. L. Givan,	Emanuel Meyer,	Harry Weitkamp,
R. L. Gwathmey,	H. L. Myers,	W. C. Wynn—48

Messrs. Vinson and Edwards having received a majority of the votes cast, a majority of the members elected being present and voting, were declared duly elected Cloak Room Keepers of the House of Representatives and at once took the oath of office as required by law.

The Speaker announced that the next business in order was the election of Pages.

Mr. Porter named Masters Dudley Ragsdale, of Washington county; Gulick Dunstall, of Pendleton county; Bart Peak, of Trimble county, and Laidley Douthitt, of Henry county, as suitable persons to fill said position.

Mr. Sawyer A. Smith named Masters Clyde Terry Jones, of Caldwell county; Benandville Oliver, of Allen county; Harry Swinne, of Greenup county, and Timothy McAuliffe, of Jefferson county, as suitable persons to fill said positions.

The vote being taken thereon resulted as follows, viz.:

Those who voted for Ragsdale, Dunstall, Peak and Douthitt were—

A. A. Allphin,	F. M. Hutcheson, Jr.	H. A. Schoberth,
Robt. H. Anderson,	J. H. Jackson,	W. H. Shanks,
Louis W. Arnett,	W. J. Jackson,	Robert C. Simmons,
Elliott B. Beard,	W. F. Klair,	John L. Smith,
J. W. Berkshire,	E. W. Lillard,	John S. Steers,

P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
J. Will Clay,
Dr. C. F. Crecelius,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
F. E. Graves,
W. W. Hopkins,
R. Dillard Hunter,
Hugh Mahin,
W. C. McChord,
Virgil McKnight,
Duncan Milliken,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
Gus W. Richardson,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson,
J. Hal. Woodford,
Speaker Gooch—50

Those who voted for Jones, Oliver, Swinne and McAuliffe were—

O. P. Applegate,
F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
C. C. Chase,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
John T. Davis,
W. A. B. Davis,
Thurman B. Dixon,
J. A. Duff,
John Feland,
Thos. E. Finley,
S. L. Givan,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
T. C. Jackson,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
Emanuel Meyer,
H. L. Myers,
Garfield Moore,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
G. L. Perryman,
R. S. Rector,
Isaac G. Rice,
John T. Shanklin,
J. A. Sloan,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
D. P. Taggart,
J. P. Wallace,
Harry Weitkamp,
W. C. Wynn—48

Masters Ragsdale, Dunstall, Peak and Douthitt having received a majority of votes cast, a majority of the members elected being present and voting, were declared duly elected pages of the House of Representatives, and at once took the oath of office as required by law.

Mr. Klair moved that a committee be appointed to notify the Sen-

ate that this House was fully organized and ready to proceed to the transaction of business, and ask the appointment by the Senate of a similar committee to act in conjunction with said committee of the House to notify the Governor that the two Houses of this General Assembly were fully organized and were ready to receive any communications that he may desire to send to them.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Klair, Sawyer A. Smith and Lillard as said committee.

Mr. Richardson offered the following resolution, viz.:

Resolved, That the rules which controlled and governed this body during its last session shall be and they are hereby declared to be the rules governing this House until the adoption of the report of the Committee on Rules.

Which was adopted.

Mr. Arnett offered the following resolution, viz.:

Resolved, That the Speaker appoint a Committee on Rules to be composed of nine members for the government of this House of Representatives, of which committee the Speaker shall be ex-officio member and chairman, and further that the Speaker be and he is hereby authorized to appoint the standing committees of this House.

Which was adopted.

Mr. Arnett offered the following resolutions, viz.:

Resolved, That the clerk of the House is hereby authorized to have printed in regular pamphlet form for the information of the members

the number, title and name of the author of each bill beginning with the first day for the introduction of bills.

Which was adopted.

Mr. Klair offered the following resolution, viz.:

Resolved, That the clerk of this House be and is hereby authorized and directed to procure and have properly furnished a suitable room for an office for the Clerk of this House during the present session and for such time thereafter as may be necessary to complete his duties as Clerk. The same to be certified and paid as contingent expense of the House.

Which was adopted.

Mr. Wilson offered the following resolution, viz.:

Be it resolved by the House, That the Kentucky State Journal published at Frankfort be and is hereby designated as the official newspaper of the House, and that it be directed to furnish to the House 150 copies of the paper daily containing full proceedings of this body, and the Clerk of the House is directed to certify cost of same to the Auditor of Public Accounts as a contingent expense of the House, which cost shall be the same as usually paid at Legislative sessions for such service.

Which was adopted.

The Speaker laid before the House the following communication, viz.:

Commonwealth of Kentucky,

Office of Secretary of State.

To the Members of the General Assembly:

Gentlemen:—In accordance with the requirements of Section 878 of Kentucky Statutes I have the honor to report collections of fees in Corporation Department of my office from January 1, 1906, to and including January 4, 1908, as follows:

For fees from State Banks, Trust Companies and Building and Loan Associations	$10,084 52
For seals, licenses and recording Articles of Incorporation and statements of corporations	5,742 21
Making a total of	$15,826 73

All of which was turned into the State Treasury as provided by law. Witness my hand this January 4, 1908.

H. V. McCHESNEY,

Secretary of State.

Which was ordered to be spread upon the records and filed.

Mr. McKnight moved that the House do now adjourn until 11 o'clock A. M. tomorrow morning.

Said motion was agreed to.

WEDNESDAY, JANUARY 8, 1908.

The House was opened with prayer by Rev. T. N. Arnold, of the Christain Church.

The reading of the journal of yesterday's proceedings was dispensed with.

The Speaker laid before the House the following communication of the Frankfort Lodge B. P. O. Elks, viz.:

Frankfort, Ky., January 7, 1908.

To Mr. Gooch, and Members of House of Representative:

Gentlemen:—I am directed by the Frankfort Lodge of Elks to cordially extend to you the privileges of the Elks' Club during the legislative session and to invite each of you to come to see us and make yourselves at home.

Very respectfully,

JNO. H. STUART,

Secretary of the Lodge.

Mr. Klair moved that said communication be received and that said invitation be accepted and that the thanks of the House be extended to said Lodge for same.

Said motion was agreed to.

The Speaker laid before the House the following communication from and report of the Covington and Cincinnati Bridge Company, viz.:

ANNUAL REPORT, COVINGTON AND CINCINNATI BRIDGE COMPANY.

DECEMBER 31, 1906.

Balance Dec. 31, 1905			$ 57,790 83
Receipts:			
Tolls	$132,513 96		
Rents	3,508 57		
Interest	699 51		
			136,722 04
Expenses:			
Expense	$1,813 65		
Collectors and Employes	13,720 56		
Fuel and Lights	1,685 36		
Repairs	4,309 51		
Taxes	22,740 80		
Legal Expenses	9,986 25		
Interest	18,275 46		
		$72,531 59	
4% Bridge Bonds paid		40,000 00	
Dividends paid		52,687 50	
Balance Dec. 31, 1906		29,293 78	
		$194,512 87	$194,512 87

Summary:		
Receipts	$136,722 04	
Expenses	72,531 59	
Earnings	$64,190 45	

E. O. E.

JNO. A. JOHNSON,
Ass't. Secy.

ANNUAL REPORT, COVINGTON AND CINCINNATI BRIDGE COMPANY.

DECEMBER 31, 1907.

Balance Dec. 31, 1906			$ 29,293 78
Receipts:			
Tolls	$132,229 49		
Rents	3,072 77		
Interest	293 30		
Legal Expenses	15 90		
Expense	79 66		
			135,691 12
Expenses:			
Expense	$1,858 77		
Coll. and Employes	14,899 30		
Fuel and Lights	1,862 34		
Repairs	7,084 82		
Taxes	26,367 30		
Legal Expenses	1,648 11		
Interest	17,081 96		
		$70,802 60	
4% Bridge Bonds paid		3,500 00	
Reconstruction bonds paid		19,676 07	
Dividends		59,990 00	
Balance Dec. 31, 1907		11,016 23	
		$164,984 90	$164,984 90

Summary:

Receipts	$135,691 12
Expenses	70,802 60
Earnings	$64,888 52

E. O. E.

JNO. A. JOHNSON, Ass't. Secy.

Said report was received and ordered to be filed.

James E. Stone, Chief Clerk of the House of Representatives, announced that there had been filed with and received by him notices of contest and papers relative thereto in the following cases, viz.:

From the counties of Crittenden and Livingston—R. S. Paris, Contestant, versus Albert Butler, Contestee.

From the county of Allen—J. E. Dalton, Contestant, versus T. B. Dixon, Contestee.

From the county of Bourbon—H. Clay Howard, Contestant, versus J. Hal Woodford, Contestee.

From the county of Hopkins—John B. Brasher, Contestant, versus T. E. Finley, Contestee.

From Jessamine county—W. B. Buford, Contestant, versus Hugh Mahin, Contestee.

From the county of Fayette—A. J. Gorham, Contestant, versus C. C. Patrick, Contestee.

From the counties of Bell, Harlan, Leslie and Perry—E. S. Howard Contestant, versus Denver B. Cornett, Contestee.

From the county of Lincoln—Ben B. King, Contestant, versus W. H. Shanks, Contestee.

Mr. Sullivan offered the following resolution, viz.:

Resolved, That the regular pastors of the white religious congregations of the city of Frankfort, Ky., alternating each day, be and are hereby invited to open the sessions of this House of the General Assembly with prayer.

Which was adopted.

Mr. Klair offered the following joint resolution, viz.:

Be it resolved by the House of Representatives, the Senate Concurring, That a Joint Assembly of the two Houses be held Tuesday, January 14th, at 11:30 o'clock in the Hall of the House of Representatives for the purpose of electing a Prison Commissioner and Librarian.

Which was read and ordered to lie over.

A message was received from the Senate by Senators Newman, Burnam and Cureton announcing that the Senate had completed its organization and was ready to proceed to the transaction of business and were ready to act in conjunction with a similar committee from the House to notify the Governor that the two Houses of the General Assembly were organized and ready to receive any communication he may desire to transmit.

Mr. Klair of the committee appointed on yesterday to notify the Senate that the House of Representatives was organized and ready to proceed to the transaction of business and to act in conjunction with a similar committee of the Senate to notify the Governor that the two Houses of the General Assembly were organized and ready to receive any communication he may desire to transmit, reported that said committee had performed that duty and that the Governor had requested them to report that he would shortly transmit a communication in writing.

A message was received from the Governor in writing as follows, viz.:

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

Gentlemen:—To all of the members constituting the Legislative Branch of the Government of Kentucky, Greeting and, personally, to each Senator and Representative, Welcome:

With your meeting, the three Departments of the Government of the Commonwealth of Kentucky, are all working together, for the Commonwealth and all of its people, at the same time, in the Capital City. Under the Constitution and the law, the Government of the Commonwealth and all of its branches, is being carried on in the accustomed way, without clashing interests or any wish on the part of anybody to trespass upon the prerogatives of any other Department than his own.

The Constitution declares that the Governor shall, from time to time, give to the General Assembly information of the state of the Commonwealth and recommend to their consideration such measures as he shall deem expedient.

The new Capitol is nearing completion and will be ready before the next General Assembly meets. The Custodian of Public Buildings called my attention to the condition of the halls of the Senate and House of Representatives in the old Capitol, which were wholly unfit for the meeting of the Representatives of the people, and prompt, thorough work was necessary to get them ready in the short time before the session. It was deemed best, as the session is only to be for sixty days, and the next session will be in the new Capitol, to expend only what was necessary to make the halls and rooms thoroughly clean, healthy and comfortable, at the least possible expense, because nothing could be realized out of the expense after the session; but at the same time, the Governor deemed it his duty, as it was his great pleasure, to try to make the General Assembly thoroughly comfortable. I trust that the arrangements made will be pleasant and agreeable to the members.

THE GENERAL CONDITION.

The Commonwealth, through the greater part of the past year, has enjoyed with the rest of the country a very great and never equalled season of business activity and success. There have been abundant work and greater wages than ever known before, for

every person who wished to work; rich crops, safely gathered, have rewarded the farmers more generously than in any former year of our history; new industries have been organized and old industries extended and enlarged and their product greatly increased. Our railroads and other means of transportation have been taxed beyond their power with the enormous offerings of business. Every branch of trade and business has been strained to fulfill the demands upon it. The volume of money, the amount of deposits, the record of the clearings and other instruments of commerce have reflected the general increase of business, reaching not only the limit of men's greatest hopes, but passing beyond the border of over production, up to the time of the recent panic. The sound and safe condition and the more than usually conservative management of the business of the people of Kentucky shows forth in the fact that our banks and people have been almost free from the certificates used in other States and great commercial centers, and have responded to the checks of their depositors, as a rule, without unreasonable restrictions, while the people who had the deposits in our banks, have shown their courage, their faith and their public spirit, by trusting their banks and quieting apprehensions of depositors, and restricting their demands to what was absolutely necessary, and the newspapers of the Commonwealth are entitled to great credit for the prudence and wisdom which they have shown in refraining from sensational publications, and presenting only the plain truth, full and just, but without any sensational addition.

PRESENT DISORDERS.

Throughout most of the year, law and order, peace and good will have prevailed throughout the Commonwealth. There has been relief from the local disorders, feuds and strife, and, as a general rule, during the past year, our people have been, even under the strain of the election, free from violence; counties which have previously been of ill note for crime, disorder and intimidation of the law-abiding people, have seen the orderly majority unite to put down disorder and punish crime, and some counties which were formerly least desirable, are now among the best law-abiding, law-loving and orderly in the whole borders of the Commonwealth. The pleasure which this peaceful and prosperous condition brings to

the hearts of all good Kentuckians, makes it all the more painful for the Governor to speak of the renewal of serious lawlessness and disorder in parts of the Commonwealth, which have lately broken our record of peace and order, alarmed and distressed our people, destroyed millions of dollars of the values of all forms of property, which had been built up under the beneficent rule of peace and order, injured the good name of our dear Commonwealth and caused a feeling of alarm for the security of life and property and the protection of our liberties, dearer than life or property, the news of which, carried to the ends of the earth, will drive customers from our markets, make desirable immigration turn to other States, and plant anew in the breasts of thousands of peaceful, law abiding men and women who have homes in Kentucky and who love peace and security and dread lawlessness and disorder, the wish to leave their homes, as tens of thousands have done before, and move to States where the law of the land protects all alike.

We are all familiar with the history of the alternating profits and losses successes and failures of the tobacco growers of Kentucky; the great prizes of ready money in good years and the great losses and hardships of bad years; the growth of the great tobacco trust and its buying out its various competitors until it, in a great measure, controlled the prices of tobacco, on the one side; and the union of the farmers and others who would sell to the manufacturers, on the other; the cut-throat competition in hard years; the over-production which left a large part of the crop of 1906 on hand unsold, and the resulting suffering to thousands of poor people interested in this crop as their sole reliance for their regular supplies of necessities and it is plain that the great cause of the trouble now, which has resulted in disorderly out-breaks in several counties, is the fear of the owners of the majority of the tobacco now controlled by their pools, that those not members of the pool will sell their tobacco to the trust and other buyers, while those in the pool remain with their hands tied until it is too late to sell and will be exposed to another year's poverty and deprivation. The owners in the pool have voluntarily parted with their liberty, right or power to sell their own as they choose. Those not in the pool, under the law, have the right to sell when, where and to whom they please, and for any price they choose to take. Some members of the pools, either through great necessities or through becoming dissatisfied

with the refusal of the Managers to take prices which the owners would be willing to take, wish to have their tobacco free from the pools so they can sell it and get the money.

We have severe laws against pooling, which it is claimed are ample to suppress and punish all combinations against the farmer, and we have a statute which makes it lawful for a farmer to pool and combine against the buyers, when it is unlawful for them to combine against the farmer. Our Courts are in operation to protect the legal rights of all and punish infractions of the anti-trust laws. This great conflict of interests between the parties interested in millions of dollars worth of tobacco, has excited a great deal of hard feeling, angry controversy and personal threats of parties on either side against the other, and finally has broken out in large demonstrations of bands of men going through the country, taking the place of the government and depriving people of their Constitutional rights secured by law, to sell their own tobacco, which is their own property, and use it as they please, under threat of personal destruction, and other wholly indefensible acts and conduct, and this has excited men thus deprived of their liberties, and brought counter-threats and intimidation from them in some cases, and whole communities are divided, neighbor against neighbor, friend against friend and often relative against relative, and finally these proceedings have culminated in the raids of large armed bands going by night to cities and committing arson and shooting people and alarming and disturbing them, and destroying the peace and security of the Commonwealth, and the partisanship in these matters has paralyzed some of the Courts and officers, and the Grand Juries or Petit Juries, so that the grossest violations of the law go unpunished and the people's liberties are destroyed, with little hope of redress until matters get so bad that the people conclude it will be better to lose all their tobacco and all their farms than lose their liberties.

In December, 1905 in Todd County, in the Circuit Court room, packed by excited men, a lawyer declared that if they did violate the law they ought not to be punished, and would not be prosecuted while he was Commonwealth's Attorney, a speech which created apprehension at the time, and the very next night, one tobacco factory in Trenton was burned and another set on fire, and the following Monday night a large band of masked and armed men

held up the railroad train and searched it for tobacco men and then came on to Elkton and dynamited a snuff factory, and although the Circuit Court was in session, with a Grand Jury empaneled, no one was indicted or punished.

In the following July, again, while the Circuit Court was in session, a farmer near Elkton, had his stacked wheat blown up with dynamite, but no one was punished. Farmers were also prevented by threats and violence from having their wheat threshed until a large part of it was ruined. There were many things of this kind which did not come to the notice of the general public, but which robbed a great many people in many counties of their liberties and their rights.

Early in 1907, men behind these schemes, for the first time, organized large bands, commanded by reckless leaders, in sufficient numbers to terrify and intimidate all not similarly organized, and early in the year, a large armed band, which it must have taken weeks to organize, went by night, in the dark, with masks, and committed arson and made violent manifestations in the town of Princeton. Later on there were other disturbances, and finally it culminated in the raid on Hopkinsville a large city, in a rich county, about 2 o'clock at night, on the morning of the 7th of December, by an armed band of several hundred men, who under cover of the darkness, with masks, invaded, overwhelmed, frightened and intimidated the people of a whole city, and their deeds in Hopkinsville are known of all men and have done incalculable harm to the values of the property, not only of the vicinity but of all Kentucky; alarmed peaceful and law-abiding people all over the State and brought great shame upon the Commonwealth, and not one has yet been punished, and for the time, there is almost paralysis in business, in law and order and in the enforcement of the laws punishing these crimes.

In the night of the 3d of January, a similar raid of armed and masked men was made on Russellville, and it was seized, property burned and people shot and wounded and a whole region again intimidated. In Bracken county, there has been a state of terror, oppression and intimidation for weeks. Under the guise of "Peaceful Armies" large bands of men have compelled others to obey the mobs instead of the law, and have deprived them of their liberties; and threatened their lives and property, and have even crossed into Mason county, and while they have had splendid and brave re-

sistance from individuals, the law has seemed paralyzed there.

THE RUINOUS RESULT.

In the meantime, not a benefit has resulted to the oppressed farmers from these acts of violence and intimidation. Even those who were members of the Association have had their property tied up, and Liberty, in places threatened by these bands, is an idle theory and a farce. Factories and warehouses which the farmers warmly welcomed have been burned and many others closed forever.

Our tobacco market is nearly destroyed. Large customers are being taught that it is safer and better to buy elsewhere; large crops remain unsold; managers, who have promised large prices for pooled crops above the market price, have seen the buyers driven from the field, and no one can tell when the end will come, but every one can see that the result, up to this time, is that our markets, not only for tobacco, but for other products, are paralyzed, and in many cases ruined; that in large districts, the law has been wholly overthrown, and the poor people who have no one to take care of them, are deprived of the protection of the people's laws, and have lost their liberties and are helpless; that the price of nearly every acre of good land in Kentucky has gone down; that thousands of people wish to move out of Kentucky to States where they hope that it is safer to live, and the very flower of our working population wishes to leave the State, as thousands have done before; that it has been necessary, in order to allay the fears of the frightened people, even in a large city like Hopkinsville, to keep a company of the militia on duty, at great expense, and with great hardship on the young men who are taken from their ordinary business and work; that lawless and unprincipled men have been constantly ready to break out in several counties unrestrained by law or public sentiment, and that the people of Kentucky are brought suddenly and squarely to face the question, whether the laws of more than two millions, or the violence of a few hundred shall prevail.

THE PEOPLE'S LAW SUPREME.

There can be no doubt of the final result. Anglo-Saxon commonsense and Anglo-Saxon law always win in time. Our people de-

sire the full protection of the law, and love their liberty, and feel that they had better lose not only part of the value of their tobacco, but even their farms, rather than lose their liberties, and, presently, when the full force of the ruin, suffering, oppression and wrong is realized, there will be a great reaction in public opinion. Judges and Prosecuting Attorneys, who fail in the critical moment, will have to answer for their neglect of duty, either before the people or in the proceedings provided by law, and finally everything will straighten out, many who are guilty will go to the penitentiary, and the rule of law and order will be resumed everywhere.

The only question left is whether this shall be soon or long delayed; whether it shall be at once, to prevent further injury, or whether, continuing for months, it shall practically destroy the business and the property values of the whole people and decimate our population by removals to other States.

The Executive will faithfully uphold the law, but it is the people's law and its strength is in the support of the people for their own laws.

FOR CHANGE OF VENUE FOR PROSECUTIONS.

In order to secure the early and prompt detection, apprehension and punishment of the leaders in these conspiracies, there is urgent need of some further legislation, so that when Commonwealth's Attorneys or Judges or Grand Juries of the locality fail or refuse to perform their duties under the law, or are deterred by threats or intimidation, the investigation of the offense can be transferred to some county where there is no intimidation, and there fully prosecuted and tried, for many offenders feel secure now because of their power to intimidate witnesses, grand juries and local authorities in their own counties. I submit the matter to the General Assembly with the recommendation that a Statute shall be adopted which shall provide, in substance, that whenever any Circuit Judge of this State, or the Attorney-General, shall be satisfied from his own knowledge, or the written statement of the Commonwealth's Attorney, that such a state of lawlessness exists in any county of his district, that the officers of such county will be prevented from or in danger of failure in, discharging their duties, or that the grand juries will be

deterred or prevented from fearlessly and fairly investigating the commission of any offense against the laws of the State in any County, the Circuit Judge may, upon his own motion, and shall, upon the request of the Attorney General of Kentucky, order and direct the investigation of the commission of such offense to be removed to some other County, in which a fearless and fair investigation of the commission of such offense may be had, and it shall be the duty of the Circuit Judge of the County from which such investigation shall have been removed, to send to the Clerk of the Circuit Court of the County, to which such investigation shall have been removed, a statement showing what offenses it is claimed have been committed, and why the case has been transferred to the latter County for investigation, and that such statement should, upon its receipt, be spread at large upon the Order Book of that Court and that at the next term of the Circuit Court, it shall be the duty of the Judge of the Circuit Court to charge the Grand Jury of that County, specifically, to investigate the commission of such offenses and to read to the Grand Jury the order of removal and statement of the Judge of the Court of the County from which such investigation has been transferred, or of the Attorney General, and if an indictment shall be returned by said Grand Jury, it shall then stand for trial in that County, and all further proceedings shall be had upon such indictment the same as if the offenses had been committed in that County.

FOR INVESTIGATION AND RELIEF

Two conferences have been held at the Governor's office between the tobacco growers and the buyers to try to find the cause of the troubles, and to try to reach an agreement between the conflicting interests, and some progress has been made toward this desirable end, and negotiations have been continued to a later date in January to be resumed in New York, and there is some room for hope that an agreement will be reached, which will relieve the immediate distress, but I submit to the General Assembly, that we need an official investigation either by the Committees of the General Assembly or by persons employed under authority of law to investigate and report the underlying causes which have brought about the disorders, which have so hurt the State, and in order

to discover whether there has been in fact more tobacco produced than there was a market for, or whether prices have been unlawfully and wrongfully depressed by combinations of the buyers or by the trusts, and if so, whether the Statutes already on our books are sufficient to correct the evils or whether other laws are necessary for this purpose, and to take such action as the cases shall demand upon full investigation. We cannot afford to permit lawlessness much less conditions which promote lawlessness to continue, nor can we resort to crude or ill advised action to correct them, and I hope the General Assembly will give its best care and work to a careful investigation and consideration of the situation and to measures of relief.

The time between the inauguration and your session has been so short that it will be necessary for me to follow literally the Constitution and communicate to you from time to time as promptly as possible such suggestions as shall seem to me to be useful.

THE NEW CAPITOL.

It will be necessary to finish and furnish the new Capitol and grounds. Estimates will be submitted by the Superintendent of Construction, but, I understand that these expenses are estimated at about $500,000.00. It will require a power house for light and heat, and it will be necessary in order to take care of the costly structure. that a first class and sufficient force of employes, with a skilled and able Superintendent, be employed to take care of the building and to keep them in good condition, the probable cost of which will be indicated to you by the officers having charge of the matter, and it is only necessary for me to say that there would be a serious loss if it should not have first class care and that will take many more men in the new Capitol than it did in the old one.

THE GOVERNOR'S MANSION.

The old time-honored mansion is worn out, dilapidated and untenantable in its present condition, and the location is undesirable and will be still more so when the public offices are removed to the new Capitol, across the river, and while the Governor has

ample authority under the law to make all necessary repairs, after careful examination of the property with the Custodian of Public Buildings and inviting estimates of the expense of necessary repairs, all of which will be submitted to the General Assembly, it seems that the necessary repairs to make the house tenatable would cost several thousand dollars, and then it would still be an old house, and if the General Assembly should decide to build a new mansion South of the river near the new Capitol, any money spent upon the old house would be thrown away, and it would be best to sell the old property, which is worth nearly enough to build a new, substantial, durable house in the neighborhood of the new Capitol. But I leave the whole matter to the General Assembly to decide whether to build a new house, or repair the old one or do neither and rent a suitable residence. Our people have been very kind to me and I am not willing to press any request upon the General Assembly for my own comfort or convenience. I cannot live in the old house in its present condition, nor without several thousand dollars worth of repairs, and it will be very inconvenient to the members to have the Executive residence in the old place after the new Capitol shall be occupied.

RE-DISTRICTING THE STATE.

The Constitution requires the General Assembly to divide the State into Districts as nearly equal in population as may be, the Counties forming the district to be contiguous, and re-district the State every ten years. It was re-districted in 1893, and thirteen, instead of ten years later, in 1906.

In the case of Ragland vs. Anderson, March 20, 1907, the Court of Appeals of Kentucky, in an opinion by Mr. Justice Barker, decided that the Act of 1906 was unconstitutional, "as grossly violative of Section 33 of the Constitution", and "so glaring that it precludes the possibility that there was any attempt on the part of the Legislature to apportion the State into one hundred Representative Districts as nearly equal in population or area as might be."

"All that the Constitution requires is that equality in representation of the State which an ordinary knowledge of its population and a sense of common justice would suggest."

"He has studied our Constitution in vain who has not discovered

that the keystone of that great instrument is equality; equality of men, equality of representation, equality of burden, and equality of benefits."

"Indeed it could not be otherwise, for, when our fathers emigrated from their European homes, it was, in the main, to escape from the oppression of inequality; they brought with them a burning love for this great Democratic principle, and embodied it deep in the foundation of the empire they were determined to erect, and which their descendants will preserve so long as the love of liberty is more than a name. When they threw off the supervising government of the mother country, it was because they were denied equality of representation."

"Equality of representation is a vital principle of Democracy; in proportion as this is denied or withheld, the Government becomes oligarchical or monarchical; without equality Republican institutions are impossible. Inequality of representation is a tyranny, to which no people worthy of freedom will tamely submit * * * It was the hand of oppression that inspired that great struggle for freedom which began on Lexington Green in 1775 and ended at Yorktown in 1781. Equality of representation is the basis of patriotism. No citizen will, or ought to, love the State which oppresses him; and that citizen is arbitrarily oppressed who is denied equality of representation with every other citizen of the Commonwealth. * *"

"The Act of 1893 has gone into effect and the Government has been organized under it. To hold it void would be to throw the government into chaos and this no Court is required to do. It is now too late to question its validity; the next Legislature must be elected under it, and then, we have no doubt, the members, impelled by their sense of duty, the obligations of their oath of office, together with that spirit of justice which is the heritage of their race, will redistrict the State as the Constitution requires."

The opinion of Judge Barker is impressive in its clearness, eloquence and patriotism, one of the finest passages of Kentucky Constitutional jurisprudence. It illustrates the unfairness of the present districts by many examples and undoubtedly voices the sentiment of the people of Kentucky.

The framing and enactment of the new Districting Law is demanded alike by the spirit of justice and the letter of the law.

It will benefit the State to remove the feeling of injustice which

has made the mountain districts nearly solid politically and will tend to a more equal division in all the Counties, many of which suffer from the lack of opposition on the one side or the other, which results in unwise and sometimes very bad county government, oppression of the people and waste of the county funds.

THE ELECTION LAW.

I submit to the General Assembly a draft of a new Election Law, prepared under the auspices of a Committee of the Louisville Bar Association, for their information. I have not been able to examine it with the pains-taking care which the General Assembly will give to it, but it is the work of honorable and unselfish men, who have given a great deal of care to making what they believe is an absolutely fair law. This will not, however, exclude the probability that the experience of members of the General Assembly with elections, may find provisions which may need change. In the event that this General Assembly shall not have time to complete a draft of an election law, I urge upon your most patient and careful attention two propositions, first, to repeal so much of the law as requires registration certificates, or registration in cities of the fifth and sixth classes and so much of the present law as prevents placing the name of any candidate under the design or upon the ticket of more than one party, which seems better calculated to serve party interests than general interests, and this is especially true as to Judicial Officers, and the wish to free them from party control and help maintain the principle that the chief condition of a good, useful and honorable judge remaining in office as long as he shall be useful, shall be the merit of his services, and that his tenure of office shall not depend upon either party organization, but solely upon the confidence and respect of the people without regard to party.

NON-PARTISAN CHARITABLE, EDUCATIONAL AND PENAL INSTITUTIONS.

I have had no chance to examine the condition of the State Institutions, either for the Blind, the Deaf, the Insane, or Feeble-minded, nor the State Educational Institutions nor Penitentiaries, so that I can not speak from personal knowledge as to their management, control

or condition, but I am satisfied that nothing but hurt has come or can come to these Institutions by making them subordinate to any political party or its control, and that all public institutions should be taken out of politics and freed from all partisan influences. This view is supported not only by analogies in the conduct of other important business concerns, in none of which the owners would consent to partisan control nor expect anything but loss and injury from it, but also by the experience of other States and laws enacted by them, and it is not surprising that constant and continuous complaints of partisan unfairness, some of which may be true and some false or exaggerated, come up from many of the Institutions of our State, and I commend to the General Assembly the plan of taking such action that the appointments of Commissioners, Boards, Trustees or other bodies governing these Institutions shall be required by law to be non-partisan so that no political party shall control any board and that all subordinate appointments and employments shall be wholly free from political or partisan control, and that no employee of any such institution shall be either employed or discharged for political reasons, or employed for any reason but usefulness and merit in their services, or discharged for any but the lack of them. I trust that provision will be made to enable the Governor to visit and personally look after all State Institutions and be paid actual, reasonable, necessary expenses of such visits, and I recommend that the Constitutional division between the Legislative and Executive Departments be observed by repealing laws for election by the Legislature of Executive officers.

Fulfilling my pledges and assurances to the people, I present to the General Assembly the earnest request that it will frame a new election law or so amend the old one that all elections shall be honestly conducted. The cause of good government and the future happiness and welfare of the people of Kentucky are inseparably bound up in the suppression of all crimes against an honest ballot, which tend to deprive the people of their rightful heritage, representative government, and, as I have asked above, that the law requiring registration certificates, as a condition of voting be repealed, and that all practicable measures be taken to free the elections of the judiciary of the State from partisan influences, and to insure that they be chosen on non-partisan grounds, and that the continuance in office of faithful,

judicial public servants should be determined by no other qualifications than fitness.

PUBLICITY OF CAMPAIGN EXPENSES.

I commend to the General Assembly the enactment of measures requiring complete publicity of all expenditures of money for political campaigns by parties, committees and candidates, and requiring every candidate and campaign manager to render a public sworn and true account of all sums of money collected for political purposes and the purpose for which the same are expended, with appropriate penalties for failure or for false statements.

I commend also to your consideration at your earliest convenience, after the work is done, the re-districting of the State in Congressional and Judicial Districts, which shall give equal representation and voting power to every citizen in conformity with the plain requirement of the Constitution.

I also commend to you the enactment of a law requiring that all books, vouchers and accounts of all municipalities, public officers and public Institutions supported by the State, Counties or Cities, and all Corporations in which a City, County or State owns an interest, either directly or through subordinate corporations, Trustees, or Commissioners, shall be open to inspection and investigation at all times by any citizen, and shall be regulated, audited and the results published by an Independent accountant, who shall not be eligible to examine such books, vouchers or accounts twice in succession.

TEMPERANCE.

I have pledged the people to favor, and I do favor, the enactment and enforcement of a uniform local option law, with the county as the governing unit. An overwhelming majority of the people of Kentucky have shown their determination that the saloons shall be taken out of politics; that the abuses and injuries of intemperance shall be taken out of our lives; that the laws closing the saloons on Sunday shall be rigidly enforced, and that everything that will conduce to real temperance shall be done and required, and it is for the General Assembly to act upon these recommendations as in their wisdom they shall deem best, and to extend the local option law and

make it apply to all counties with the county as the governing unit. In all such matters, the majority should rule, just the same in a large and populous county, or a county having a large city, as in a county which is small, or has no city.

While, as I said before the election, I do not believe that prohibition has been or can be sustained in any large City, and I hope never to fail in upholding every real, useful influence and law for true temperance, I have not given my assent to the belief that we can wisely yield to a demand for the immediate extinction and destruction of all the great sums of money invested in the manufacture and sale of spirits, or throwing all who are interested or engaged in such business out of work; but I do insist and urge upon you to take thorough, practical measures to decrease the amount of our investments and the number of those interested or employed in these lines and turn them to other fields.

I ask your consideration of the suggestion of excise boards for cities of the first, second and third classes, with graded licenses and rigid laws to put an end to saloon influence in politics.

THE ATTORNEY GENERAL'S OFFICE.

The law business of the State is so extensive that an early and prompt reorganization of the Attorney General's office is absolutely necessary. The present system is unsafe, unwise, unpractical, wasteful and absurdly expensive. The work could be done very much better for less than half of what it has cost in late years. The number of cases, and very many of them important cases, which require the services of the Attorney General, is so great that he and the Assistant he now has under the law, cannot possibly do the work properly or safely for the State. The Attorney General needs one good lawyer Assistant to give his whole attention to the Fiscal business of the State alone, and a good lawyer retained in this position and knowing the history of the litigation, can attend to this work with greater success and safety to the State's interest and more efficiently and promptly than the great number of outside lawyers heretofore employed, often, it is claimed, as political favorites and to pay political debts.

The appeals to the Court of Appeals in Criminal cases would give constant employment all of the time to a good lawyer, and one should be employed for this work. The Attorney General's services

are constantly required in cases in the United States Courts, Circuit Court, Court of Appeals and Supreme Court, and he needs an able assistant in this work, and I commend to the General Assembly the consideration of this problem; and that they authorize the appointment and employment by the Attorney General, at a sufficient salary to secure the services of thoroughly competent lawyers, three Assistant Attorney Generals, and a sufficient force of Stenographers and Clerks, further details of which will be furnished to the General Assembly by the Attorney General.

THE DOG TAX

I do ask you to repeal the dog tax law.

STENOGRAPHER FOR THE GOVERNOR'S OFFICE.

The necessary work for the Governor's office has increased so much that an addition to the force is absolutely necessary in order to do the work of the office properly. The law provides a Private Secretary to the Governor, and it was expected when this office was created, that he would act as Secretary and Stenographer; but the great number of visitors to the Governor, constantly increasing every year, the many packages of letters received every day from the people and their representatives and officers all over the State all of which ought to be answered promptly, are entirely beyond the power of the Private Secretary to attend to. It takes all of one man's time to make inquiries of other officers, arrange papers, receive visitors, arrange for interviews and attend to other things for which a Secretary is needed for the Governor, and he has no time to do any stenographic work, and it is absolutely necessary to employ a first class stenographer, worth a salary of not less than $1200.00 a year. Ever since the inauguration, I have been receiving from one to two hundred letters a day, without any stenographer of my own, and have had to borrow from other officers of the State, one of the Judges, the Commissioner of Insurance, the Adjutant General, the Commissioner of Agriculture, and the constant help almost all the time of the Keeper of the Confederate Records Mr. Thompson who has worked most faithfully to help me

through the embarrassment. Usually a prompt correspondent, I have been unable to answer some letters, even from members of the General Assembly, for ten days after they were received, although I have worked night and day almost unceasingly. I hope that it will be agreeable to the General Assembly to authorize the Governor to employ a stenographer at the very earliest possible moment.

Later on I shall submit to the General Assembly recommendations as to amendments to the Education Laws and Road Laws and other matters of public interest, which I have not been able to review for your consideration.

TAX REFORM

I have been urged to recommend to the General Assembly the appointment of a Commission to take the place of the present State Board of Equalization, and to give their whole time to the supervision of the assessment and collection of taxes and to the study of the most advanced ideas in taxation, and to recommendations for the improvement of our own tax laws.

Experience has shown that our system of taxation was based upon the theory that equality of taxation required a flat or level rate on all kinds of property, real and personal alike, but it has turned out that this rule for equality has resulted practically, in gross inequality and unfairness, serious injury to our business interests, and in driving out of the State great sums of moneys and values of personal property, which were needed to build up the State, without producing in taxes anything like the amount of revenue that should be received from such property. Other States, upon this experience, have changed their tax laws to a low rate upon personal property, which has, in experience, been found to produce far more money than the higher rate. The high rate on personal property, taking a very large proportion, often one-half of the total income, is an irresistible temptation to many owners of such property to conceal it from the Assessor, where a moderate rate would be far less likely to produce this result. An attempt to substitute the license system for this flat rate system, has been held to be unconstitutional, and various imporant business associations in the State, after carefully studying

the subject, have merged their contentions in the resolutions adopted by the Kentucky State Development Association November 21, 1907, in reference to the question of tax reform, as follows:

"Resolution adopted unanimously by the Kentucky State Development Association, November 21st, 1907, in reference to the question of tax reform.

"Resolved, first. That the Constitution of Kentucky should be so amended as to give broader authority to the Legislative Branch of the Government to decide upon methods for raising revenue, and with reasonable restrictions only, power to revise and amend the same to meet the changing conditions and revision of revenue laws from time to time.

"That we respectfully recommend to the next General Assembly the submission of such an amendment to the people to be voted on at the next general election.

"Second. We further respectfully recommend to the next General Assembly, the passage of an act creating a State Board of Tax Commissioners, composed of three members, the said commissioners to receive compensation and to give their whole time and attention to the consideration of the revenue system of this State and the execution of the laws enacted by the Legislature."

And I submit with this message a draft of a resolution for Constitutional amendment, which is the result of careful study of the matter by many able and honest men, for such action as the General Assembly shall deem proper.

It is my purpose and wish, upon the adjournment of the General Assembly, and before its next session, to give the great subjects of taxation, education and good roads, the most careful, painstaking and exhaustive study, and to call to my aid in that work the services, counsel, advice and work of the best men I can find in Kentucky who are willing to help, and I hope that the result of this work will be of lasting usefulness to the State. I shall not ask for any Commission or Boards, but hope provision will be made for actual, reasonable expenses of such investigation.

The necessities of the various educational and charitable institutions for larger appropriations will be presented to you as soon as they can receive proper examination from me. I recommend that so much of the law establishing the Normal Schools as allots free scholarships to different counties or districts according to the unfair

districting law, be amended, and that these free scholarships be allotted according to the new districts to be provided by the Legislature.

UNITED WE STAND—DIVIDED WE FALL.

We are all of us as members of the Legislative, the Judicial and Executive Departments, assembled here in the Capitol City to fulfill our duty to the people and to work and study and strive for the general welfare. We can well afford to meet and work together as cordial and sincere friends and to agree that party discussions and divisions shall not divide us when once chosen, according to law, to do the people's work. Time has brought it to pass that the men and descendants of the men who strove with deathless courage and energy in mortal conflict in the Civil War, were able, yea and glad to come together and "stand with hands clasped in friendship under the same flag," and equally loyal to our country. How much easier is it that after mere political party struggles, good neighbors, good citizens and good friends should come together just as loyal to the government chosen by the people, whether chosen by their own party or the other, as those who voted for it.

We are all neighbors, fellow citizens and friends. We all love Kentucky. Differences of opinion as to party questions give no ground for personal unkindness. Every one of us alike wishes to protect the liberties of all our people, to make the State Government useful, honorable, respectable and beloved; to do whatever is necessary and pay whatever ought to be paid to make the public service useful and to exercise sincere and rigid economy in public expenses without being niggardly. One party is just as earnest as the other about this, and it is very easy for me, fully alive to the wonderful kindness of our people to me without regard to party, to say from my heart and in good faith that while I recognize and honor the party to which I belong, I feel my duty to the whole State foremost and my hand and my heart go out cordially to every man elected as a part of the State Government in either Department, and I wish to ask nothing in my whole administration as a party matter. As Mr. Justice Harlan, Kentuckian of Kentuckians, the best loved man the State has known for generations, said at the great meeting in New York:—

"We may differ about political questions, but apart from such differences when Kentuckians meet, whether in their own country or in foreign lands, they warm toward each other because they are fellow Kentuckians. We are, however, something far more than Kentuckians. We are Americans. Trite as that phrase may sound, the older I grow, the more priceless to me is the fact it expresses. We may well feel proud of the State that gave birth to Abraham Lincoln, that sent Henry Clay and John J. Crittenden to the Senate, and nurtured such men as Zachary Taylor, Isaac Shelby, George Nicholas, the Breckinridges, the Marshalls, John Boyle, George Robertson, Samuel F. Miller, Joseph R. Underwood, Charles S. Morehead, James Guthrie, John L. Helm, Madison C. Johnson, Lazarus W. Powell, Archibald Dixon, Joshua F. Bell, Richard H. Menefee and many others, distinguished in every walk of life and too numerous to be mentioned on this occasion."

And he closed in this splendid passage:

"In closing, Mr. President, I must again express my deep satisfaction in the thought that upon all questions affecting the existence of the Union, the Kentuckians of 1907 are thoroughly united as were their fathers when in 1792, our Commonwealth became, to use the words of Congress, 'A new and entire member of the United States of America.' Her people, we are glad to know, have outgrown the feelings of distrust and animosity that divided them in the perilous time of 1861, and their faces are now turned steadily and hopefully to the future, determined that Kentucky shall play her full part in the building up of our beloved country in all that makes for her true national greatness."

"And if tonight it were possible for me to send a message to the young men of my native State—of whatever political parties they are members—it would be this: 'Forget the things that are behind save only the noble deeds of the mighty dead who gave Kentucky its large place in the early history of the Nation. Quench whatever remains, in both parties, of the baleful fires of narrow partisanship and mere faction. Crush the monster of lawlessness in whatever way its evil deeds are manifested. Maintain the rights of all. While remaining loyal to whatever may be your various political affiliations, strive after large, generous and broad politics, and lift the State steadily toward higher levels. Work shoulder to

shoulder in the effort to build up our grand old Commonwealth in all things that will contribute to its moral, intellectual and material welfare. Thus you will help most effectively in giving Kentucky a worthy place among those States that shall lead the Nation in its noble mission of commending to the world the priceless blessings of institutions that rest upon the consent of the governed and recognize the inherent rights of man as man."

May I add, good luck, good will and good cheer to every man chosen by Kentucky and her people to do the people's work, good faith and good feeling abiding between us, and may we lay down our work at the end of our terms with the just hope that the people will say to each in his time, "Well done, good and faithful servant." May we do our work so justly, so fairly, so unselfishly that each shall feel that all the others have done their best, and that each shall treat the other with a feeling of pride and pleasure in his acquaintance, and with feelings of mutual respect and good will. Let us give no room for the feeling that anything but a square deal can gain or hold the respect of an honor-loving people like the people of Kentucky. Let us all so think and act that each should be willing that in matters affecting the whole people, every man, woman and child, should know not only what shows on the record, but also what beats in the heart.

AUGUSTUS E. WILLSON,
Governor of Kentucky.

Which was received, read at length and ordered to be spread on the journal of this House.

Mr. Richardson offered the following resolution, viz.:

Resolved, That the State Librarian be and is hereby directed to lay on the desk of each member of this House 150 copies of the Governor's message wrapped, stamped and ready for mailing.

Which was adopted.

Mr. Klair moved that the House do now adjourn until tomorrow morning at 10:30 o'clock.

Which motion was agreed to.

THURSDAY, JAUNARY 9th, 1908.

The House was opened with prayer by Rev. T. N. Arnold, of the Christian Church.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Klair called up for consideration from the Clerk's desk the joint resolution offered by himself on yesterday, viz.:

(See Journal of Yesterday.)

Said resolution was read and adopted.

Mr. Richardson offered the following resolution, viz.:

Resolved, That the House proceed to the selection of a contest board in each of the contested election cases as reported by the Clerk of the House, and that each of the committees shall consist of seven members as provided by section 1882 of Kentucky Statutes, and any member whose right to a seat has been contested shall be excused from service on same, and other name or names shall be drawn to fill such vacancy or vacancies.

Which was adopted.

The roll of the House was then called and the following members responded to their names as being present, viz.:

Those who answered roll call were—

A. A. Allphin,	J. P. Haswell, Jr.	G. L. Perryman,
Robt. H. Anderson,	W. W. Hopkins,	John C. Pirtle,
O. P. Applegate,	R. Dillard Hunter,	J. F. Porter,

Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
John Feland,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
F. M. Hutcheson, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
J. B. Maynard,
W. C. McChord,
Virgil McKnight,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Garfield Moore,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
J. P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford,
Speaker Gooch—97

The Speaker then announced that the House would proceed according to law and pursuant to the resolution this day adopted, to select by lot seven of its members to constitute a Board for determining the contest for a seat in this House of Representatives from the county of Bourbon, of H. Clay Howard versus J. Hal Woodford.

The names of the members present were written on separate pieces of paper, rolled and placed in a box by the Clerk in the manner pro-

vided by law, who, after the same had been well shaken, drew the names of seven members of the House therefrom separately, which were opened and read aloud by the Speaker of the House, viz.: J. A. Sloan, Cleves G. Kinkead, Wm. E. Dowling, P. W. Berkshire, J. W. Berkshire, Eugene W. Tandy and E. W. Lillard.

Whom the Speaker declared duly selected as members of said Board.

Thereupon the said members of said Board appeared at the Clerk's desk and the oath of office was administered to them by the Speaker as required by law.

The Speaker then announced that the House would now in like manner proceed to select a Board to determine the contest to a right to a seat in this House of Representatives from the county of Jessamine of W. B. Buford versus Hugh Mahin.

The House proceeded in manner and form as above named and the following names were drawn, viz.: G. T. Reynolds, W. C. Wynn, John S. Steers, W. F. Edmunds, C. W. G. Hannah, F. M. Hutcheson, Jr., and Jasper D. Lowder.

Whom the Speaker declared duly selected as members of said Board.

Thereupon the members of said Board appeared at the Clerk's desk and the oath of office was administered to each by the Speaker of the House as required by law.

The Speaker then announced that the House would now in like manner proceed to select a Board to determine the contest for a seat in this House of Representatives from the county of Allen of J. E. Dalton versus Thurman B. Dixon.

The House proceeded in manner and form as above named and the following names were drawn, viz.: W. F. Klair, C. S. Templeman, F. M. Hutcheson, Jr., John T. Davis, W. W. Hopkins, R. F. Hutchinson and J. Will Clay.

Whom the Speaker declared duly selected as members of said Board.

Thereupon the members of said Board each appeared at the Clerk's desk and the oath of office was administered to them by the Speaker as provided by law.

The Speaker then announced that the House would now in like manner proceed to select a Board to determine the contest for a seat in this House of Representatives from the county of Hopkins of John B. Brasher versus Thos. E. Finley.

The House proceeded in manner and form as above named and the following names were drawn, viz.: John L. Smith, J. A. Duff, Robert H. Anderson, T. C. Jackson, Gus W. Richardson, F. M. Hutcheson, Jr., and John C. Pirtle.

Whom the Speaker declared duly selected as members of said Board.

Thereupon the members of said Board appeared at the Clerk's desk and the oath of office was administered by the Speaker of the House as provided by law.

The Speaker then announced that the House would now in like manner proceed to select a Board to determine the contest for a seat in this House of Representatives from the counties of Crittenden and Livingston of R. S. Paris versus Albert Butler.

The House proceeded in manner and form as above named and the following names were drawn, viz.: Duncan Milliken, C. C. Chase, John T. Davis, Harry Weitkamp, Geo. S. Wilson, J. H. Jackson and W. L. Kimbrough.

Whom the Speaker declared duly selected as members of said Board.

Thereupon the members of said Board appeared at the Clerk's desk and the oath of office was administered to each as provided by law.

The Speaker then announced that the House would now in like manner proceed to select a Board to determine the contest for a seat in this House of Representatives from the county of Fayette of A. J. Gorham versus C. C. Patrick.

The House proceeded in manner and form as above named and the following names were drawn, viz.: John P. Haswell, Jr., G. L. Perryman, A. T. Lee, G. W. Parrott, G. Y. Reynolds, Isaac T. Rice and R. L. Gwathmey.

Whom the Speaker declared duly selected as members of said Board.

Thereupon the members of said Board appeared at the Clerk's desk and the oath of office was administered by the Speaker of the House as provided by law.

The Speaker then announced that the House would now in like manner proceed to select a Board to determine the contest for a seat in this House of Representatives from the counties of Bell, Harlan, Leslie and Perry of E. S. Howard versus Denver B. Cornett.

The House proceeded in manner and form as above named and the following names were drawn, viz.: W. H. Shanks, F. M. Hutcheson, Jr., C. W. G. Hannah, Garfield Moore, W. F. Edmunds, James T. Buford and W. V. Perry.

Whom the Speaker declared duly selected as members of said Board.

Thereupon the members of said Board appeared at the Clerk's desk and the oath of office was administered by the Speaker of the House as required by law.

The Speaker then announced that the House would now proceed in like manner to select a Board to determine the contest for a seat in this House of Representatives from the county of Lincoln of Ben B. King versus W. H. Shanks.

The House proceeded in manner and form as above named and the following names were drawn, viz.: John C. Pirtle, W. W. Hopkins, R. S. Rector, Sawyer A. Smith, H. L. Myers, W. L. Kimbrough and G. W. Parrott.

Whom the Speaker declared duly selected as members of said Board.

The members of said Board appeared at the Clerk's desk and the oath of office was administered to each by the Speaker of the House as provided by law.

Mr. Sullivan offered the following resolution, viz.:

Resolved, That the Speaker of this House is authorized to appoint three messengers who shall receive the same compensation as pages and also to appoint one stenographer who shall receive six dollars per

day. Said messengers and stenographer shall perform such duties as may be assigned them by the Speaker.

Which was agreed to.

Mr. Klair moved that when the House adjourn today it be to meet on Monday next, the 13th inst., at 12 o'clock meridian.

Said motion was agreed to.

Mr. Sloan offered the following resolution, viz.:

Resolved, That the Speaker be and is hereby authorized to appoint a suitable person to act as clerk to the several boards of contest for determining the rights to seats in this House and to perform such other duties as the speaker may direct. His compensation shall be four dollars per day to be certified by the Clerk of the House to the Auditor for payment as a contingent expense of the House and such appointment may be revoked by the Speaker at any time.

Which was agreed to.

And then the House adjourned until 12 o'clock Monday next, 13th inst.

MONDAY, JANUARY 13th, 1908.

The House was opened with prayer by Rev. Wm. Crowe, of the Presbyterian church, Southern Assembly.

The reading of the journal of the proceedings of Thursday last, 9th inst., was dispensed with.

Mr. McKnight offered the following resolution, viz.:

Be it resolved by this General Assembly, That a copy of the Louisville Herald be furnished each member on each Legislative day of the session at a price not exceeding five cents per copy.

Which was adopted.

The Speaker laid before the House the following communication, viz.:

Hon. W. J. Gooch, Speaker House of Representatives:

Dear sir:—I take pleasure in handing you herewith the biennial report of the Kentucky State Racing Commission for the two year period ending December 1st, 1907, and respectfully ask that same be filed with the records of the House of Representatives.

Very respectfully,

A. B. ROUSE,

Secretary Kentucky State Racing Commission.

Mr. Klair moved that said communication be received, filed and referred to the appropriate committee when the standing committees have been appointed and announced.

Said motion was agreed to.

The Speaker announced the following as the Committee on Rules, viz.:

Mr. Speaker Gooch, ex-officio Chairman; Messrs. Klair, Wilson, Arnett, Clay, Porter, Beard, Shanks, and Sullivan.

And then the House adjourned until 10 o'clock tomorrow morning.

TUESDAY, JANUARY 14th, 1908.

The House was opened with prayer by Rev. Wm. Crowe, of the Presbyterian Church, Southern Assembly.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Klair, of the Committee on Rules, reported the following as the rules of the House of Representatives.

QUORUM OF THE HOUSE.

Rule 1. Five members of the House shall constitute a quorum for the purpose of adjourning; fifteen members for the purpose of calling a House, of sending for absent members and of making an order for their censure and fine; a majority of the members may proceed to business and the numbers mentioned in this rule shall have power, in the absence of the Speaker, to elect a Speaker pro tem, for the purposes above designated.

HOUR OF MEETING AND ADJOURNMENT.

Rule 2. The standing hour of meeting each day shall be ten (10) o'clock a. m., standard time, and the standing adjournment shall be 1:30 o'clock p. m., except on Monday, when the hour of meeting shall be twelve o'clock, Meridian, and the hour of adjournment 2 p. m. Provided, however, that a majority of the House may elect to hold extra sessions at any time and extend the sitting of any session to any time within their discretion.

THE POWERS AND DUTIES OF THE SPEAKER.

Rule 3. The Speaker shall take the chair every day at the hour to which the House adjourned on the preceding day; he shall immediately call the members to order, and, a quorum being present, shall cause the Journal of the preceding day to be read.

Rule 4. He shall preserve decorum and order and in case of disturbance and disorderly conduct in the gallery or lobbies may cause the same to be cleared. He shall have general control, except as provided by rule or law, of the hall of the House and of the corridors and passages, of the unappropriated rooms in that part of the capitol assigned to the use of the House, until further ordered. He may speak to points of order in preference to other members, rising from the chair for that purpose. He shall decide questions of, or subject to, an appeal to the House on request of any two members, and the members appealing shall reduce the appeal to writing.

The Speaker shall have supervision over the clerks, sergeant-at-arms, door-keeper, janitor, pages or other employes of the House, and shall direct them as to their duties, and upon the failure of any such officials to perform his duties, the Speaker shall have power to impose a fine upon such offender, not to exceed the per diem of such official or employe for each offense. Such fines shall be entered upon the Journal and deducted from the compensation due such offender.

Rule 5. The standing committees of the House, herein named, shall be appointed by the Speaker.

Rule 6. The Speaker may state a question sitting, but shall rise to put a question.

Rule 7. Questions shall be distinctly put in this form, viz.: "Gentlemen, you who are of the opinion that (as the question may be), say 'aye'; you of the contrary opinion, say 'nay.'"

Rule 8. If the Speaker be in doubt as to the result of a vote, or a division be called for, the House shall divide; those in the affirmative of the question shall rise from their seats and afterwards those in the negative. If the Speaker still be in doubt, or a count be requested, the Speaker shall name two members, one from each side, to count those in the affirmative and the negative; which being reported he shall rise and state the decision of the House: Provided, however, That such division or count shall not be allowed after the House shall have proceeded to other business.

Rule 9. The Speaker shall have the right to name any member to perform the duties of the chair, but such Speaker pro tem shall not be empowered to act beyond a period of five (5) days.

Rule 10. It shall be the duty of the Speaker to direct the doorkeeper and sergeant-at-arms to exclude all persons from the bar of the House, except the Governor, members of the Senate, officials of the several departments, persons included in Rule eleven (11), members of the Federal Congress, members of preceding Legislatures of this State.

Rule 11. The Speaker shall name the persons who shall act as reporters for the public press, but no reporter shall be admitted to the floor who is not an authorized representative of a newspaper. The reporters so named shall be entitled to such seats as the Speaker may designate.

DEBATE.

Rule 12. When a member is about to speak in debate or deliver any matter to the House, he shall rise from his seat and respectfully address the Speaker of the House as "Mr. Speaker," but shall not proceed until recognized by the Speaker.

Rule 13. If any member, in speaking, or otherwise, transgress the rules of the House, the Speaker shall, or any member may, through the Speaker, call the offender to order; and the member called to order, shall immediately sit down unless permitted to explain, and the House, if appealed to, shall decide on the case without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if against him, and the case require it, he shall be liable to the censure of the House.

Rule 14. When two or more members rise at once, the Speaker shall name the member who is first to speak.

Rule 15. No member shall speak more than twice on the same questions without leave of the House, and he shall not speak more than once until every member of the House choosing to speak has spoken. No member shall be allowed to speak longer than one hour in the aggregate.

Rule 16. While the Speaker is putting any question or addressing the House, no one shall walk about the House, or leave; neither, in such a case, nor when a member is speaking, shall any one talk or pass between the chair and the member who is speaking.

Rule 17. No member shall, in debate, name another member.

UNDEBATABLE MOTIONS.

Rule 18. Motions to proceed or dispense with the orders of the day, to dispense with any rule of the House, to take up business out of its regular order, to commit or re-commit, except with instructions, shall be propounded without debate.

Rule 19. No explanation of any vote shall be permitted pending the call of the yeas and nays on an undebatable motion.

WITHDRAWAL OF MOTIONS.

Rule 20. After a motion is stated by the Speaker, or read by the clerk, it shall be deemed in the possession of the House, but may be withdrawn by the consent of the House, at any time before a decision or amendment.

MOTIONS.

Rule 21. When a motion is made and seconded it shall be stated by the Speaker, or being in writing, shall be handed to the chair and read aloud by the clerk before debated.

Rule 22. Every motion shall be reduced to writing, if the Speaker or any member desire it.

ORDER OF MOTIONS IN DEBATE.

Rule 23. When a question is under debate no motion shall be received, but—

1. To fix the time to which the House shall adjourn.
2. To adjourn.
3. To lie on the table.
4. For the previous question.
5. To postpone to a day certain.
6. To commit.
7. To amend.
8. To postpone indefinitely.

Which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit or postpone indefinitely, being decided, shall be again allowed on the same day and at the same stage of the bill or proposition.

MOTION TO ADJOURN.

Rule 24. A motion to adjourn shall always be in order except during roll-call or pending a motion to fix the time to which the House shall adjourn, and shall be decided without debate.

PREVIOUS QUESTION.

Rule 25. The previous question being moved and seconded, the question from the chair shall be: "Shall the main question be now put?" And if the nays prevail, the main question shall not then be put. The effect of the previous question shall be to put an end to all debate (except on the final passage of the measure under consideration, the right of the opponents of the measure to have ten minutes to debate the proposition and the right of the proposer of the measure under consideration to close debate, and he shall be limited to ten minutes, unless his time be extended by consent of the House) and bring the House to a direct vote on amendments proposed by a committee, if any; then on pending amendments, and all amendments which have been read for information of the House by the clerk shall be regarded as pending amendments, and then upon the main question.

DIVISION OF QUESTIONS.

Rule 26. Any member may call for a division of the question when the sense will admit of it.

COMMITMENT OF MOTIONS.

Rule 27. Motions and reports may be committed at the pleasure of the House. (See Rule 18, ante.)

AMENDMENTS.

Rule 28. No motions or propositions on a subject different from that under consideration shall be admitted under color of amendment.

ELECTIONS.

Rule 29. In all cases of elections there shall be a previous nomination before the House.

PETITIONS, MEMORIALS, ETC.

Rule 30. Petitions, memorials and other papers addressed to the House may be presented by any member in his place; and in such case he shall briefly state the contents of said petitions, memorials and other papers, and they must be received, read and referred on the same day by agreement of the House.

CALL OF YEAS AND NAYS,

Rule 31. Upon a call of the yeas and nays on any question, the names of members shall be called alphabetically, which shall be made at any time when a division or a count may be had, and upon the completion of any roll call the Speaker shall, upon the request of any member, order the clerk to call the absentees at once.

CALL OF THE HOUSE.

Rule 32. On a call of the House the door shall not be shut against

a member until his name is called twice, and then absentees shall be noted by the clerk, and fined one dollar, unless excused by the House.

VOTING.

Rule 33. No member shall vote on any question in the result of which he is mediately or immediately interested, or in any case where he was not within the bar of the House before the result was announced.

Rule 34. Every member in the House when a question is put, or present before the result is announced, shall vote, unless excused by the House; and all motions to excuse a member from voting shall be made before the House divides or before the call of the yeas and nays is commenced; and the motion or question to excuse a member shall be decided without debate, and in no event shall any member be excused from voting on a motion to excuse another member from voting. But this rule shall not apply to the Speaker, whose name shall not be called upon the roll, except on his own request, and then only at the end of the roll call, and before the result is announced, but in all cases of a tie vote the Speaker shall vote.

ORDER OF BUSINESS.

Rule 35. The order of business each day shall be as follows:

1. The reading of the Journal of the preceding day, and the correction of any errors that may be found to exist therein.

2. Petitions.

3. Motions and resolutions. Limited to one hour.

4. Reports of special and standing committees in the order as given in Rule 42.

5. On Mondays and Thursdays of each week, after the first order above named in this rule, there shall be a call of the counties for the introduction of bills according to Rule 36, which shall be privileged and take precedence of all other business of the House: Provided, That the orders of the day be called for precisely at 12 o'clock on each day; and provided further, that upon the call of counties on the days provided for the presentation of bills, in the event every county shall not have been called, the clerk shall, on the next day, commence the call where he left off at the last call.

6. Any business which did not belong to the orders of the day, and which remains unfinished upon the adjournment of the House, or upon the calling of the standing orders of the day, shall be the first business in order each day upon the convening of the House, and any business which belongs to the standing orders of the day, which remains unfinished upon the adjournment of the House, shall be the first business when the orders of the day are resumed: Provided, however, That the unfinished business shall yield to the business designated in division 5 of this rule.

INTRODUCTION OF BILLS.

Rule 36. Bills shall be introduced on every Monday and Thursday on an alphabetical call of the counties for that purpose as follows:

Subdivision 1. On call of each county the member from said county shall rise from his seat, and addressing the chair, send to the clerk's desk any bill or bills or joint resolution which he wishes to introduce, with the title thereof indorsed thereon in a plain and legible hand, which bill or joint resolution shall be read by its title, and thereupon the Speaker shall order the same to be printed and refer the same to its appropriate committee for consideration, and report, and from such order of reference by the Speaker the member intro-

ducing the bill may appeal to the House if he so desires. All bills shall be printed and distributed in the order in which they are introduced, and the usual number of copies of the same shall be printed for the use of the members of the Senate and House.

Subdivision 2. Upon the report of a bill or joint resolution by any committee, the clerk shall report the same in full, which shall be considered the first reading of the bill or joint resolution, and shall be so entered upon the journal. Any standing or special committee may originate a bill and introduce the same upon its call for report, when it shall have its first reading and be ordered printed.

Subdivision 3. The clerk shall number all bills in the order they are so introduced, and continue the numbers in their order to the end of the session; and he shall keep a register of all bills introduced in the House, or transmitted for concurrence from the Senate, in which shall be recorded under appropriate heads, the progress of such bills from the date of their introduction to the time of their transmission—if House bills, to the Governor, or, if Senate bills, their return to the Senate.

Subdivision 4. When a bill has had its first reading it shall be placed by the clerk in a calendar to be kept by him, and said calendar shall be separate from the bills in the orders of the day. Each day before the House enters into the consideration of the orders of the day, the clerk shall take up the calendar and give all bills therein their second reading, except such as have been placed there upon that day.

Rule 37. When a bill has been read a second time it shall be placed in the orders of the day or recommitted, and when next reached in the House, it shall be ready for amendment, recommitment or debate, or to be read a third time and placed upon its passage. A bill may be recommitted at any time before its passage.

Rule 38. When a bill shall have been referred to any committee, it shall be the duty of the chairman to submit the bill to the consideration of his committee, and such committee may make such amendments to said bill as it may deem proper, and report said bill to the House with such amendments. A majority of the members of a committee shall be present before a bill may be considered. No bill shall be considered or a report on same determined upon except when the committee is in session. A committee in reporting a bill to the House shall make its report in writing, and such report shall be signed by a majority of such committee, but after said majority report has been made the minority may make its report, which shall also be in writing and signed by the members of the committee making such report. Bills shall not be engrossed except by order of the House; and the style of every bill shall be: "Be it enacted by the General Assembly of the Commonwealth of Kentucky."

Rule 39. When a bill passes, it shall be certified by the clerk, who, at the foot thereof, shall note the day on which it passed.

SUSPENSION OF THE RULES.

Rule 40. The standing rules of the House and the regular order of business shall not be suspended or interrupted unless by a vote of two-thirds of the members present: Provided, however, That this rule shall not prevent the suspension or postponement of any special order, or of the standing orders of the day for the purpose of completing or continuing the consideration of any measure pending at the time such special or standing orders may be reached.

Rule 41. The following shall be and constitute the standing committees of the House of Representatives, and each committee shall be composed of nine members, except the committee on Enrollments, which shall have five members:

Agriculture.
Appropriations.
Banks and Banking.
Charitable Institutions.
Classifications of Cities and Towns.
Cities of the 4th, 5th and 6th Classes.
Court of Appeals.
Claims.
Constitutional Amendments.
County and City Courts.
Corporate Institutions.
Codes of Practice.
Commerce and Manufactures.
Criminal Law.
Circuit Courts.
Education No. 1.
Education No. 2.
Executive Affairs.
Federal Relations.
Fish, Game and Forestry.
Geological Survey.
Immigration and Labor.
Insurance.
Internal Improvements.
Judiciary.
Kentucky Statutes.
Land Titles.
Legislative Accounts.
Library and Public Offices.
Military Affairs.
Mines and Mining.
Municipalities.
Propositions and Grievances.

Printing.
Public Health.
Public Morals.
Public Monuments and Historical Records.
Public Warehouses and Granaries.
Railroads.
Revenue and Taxation.
Retrenchment and Reform.
Redistricting.
Rules.
Sinking Fund.
State College and State Normal Schools.
State Capitol.
State Fair.
Suffrage and Elections.
State Prisons and Houses of Reform.
Ways and Means.
Enrollments.

And it shall not be competent for the House, by vote or otherwise, to add any one to the membership of either of said committees, but a vacancy from any cause may be filled by the Speaker.

Rule 43. The Committee on Enrollments may report at any time when not excluded by a privileged motion: Provided, That when any committee shall have occupied the morning hour on two days, it shall not be in order for such committee to report further until the other committees are called. And, Provided, also, That no bill shall be reported by any committee which was introduced after said committee began to report.

COMMITTEE OF THE WHOLE.

Rule 44. It shall be the standing order of the day throughout

the session for the House to resolve itself into a Committee of the Whole House on the state of the Commonwealth.

Rule 45. When a bill or other matter is committed to a Committee of the Whole House, the question of going into the Committee of the Whole shall be first in order of the day.

Rule 46. In Committee of the Whole House, bills shall be read and debated by sections, leaving the preamble and the title to be the last considered.

Rule 47. All amendments made to an original House bill or resolution in committee of the Whole House shall be incorporated in the original and so reported.

Rule 48. All questions, whether in the committee or in the House, shall be disposed of in the order in which they are moved, except that in filling blanks the largest sum and the most remote day shall be put first.

Rule 49. The rules of the House shall be observed in committee when applicable, excepting a rule limiting the time of speaking.

FINES.

Rule 50. All fines imposed on absentees shall be collected by the Sergeant-at-Arms and covered into the Treasury.

CLERK'S DUTY.

Rule 51. The Clerk or assistant clerk shall report all bills or resolutions to the Senate, unless otherwise ordered by the House.

Rule 52. No member or other person shall visit or remain by the clerk's table when the yeas and nays are being called.

Rule 53. All bills and joint resolutions originating in the Senate and reported to this House as passed therein, shall be read by their titles, when the Speaker shall refer them to appropriate committees.

Rule 54. The clerk of the House shall, by and with the approval of the Speaker, employ a stenographer or assistant whose duty it shall be to assist the clerk in his duties, and who shall see that the Journal of the House is furnished the Public Printer and printed and placed upon the members' desks. Such assistant shall be allowed as compensation for his services four dollars per day, to be certified by the clerk as a contingent expense of the House.

Such appointment may be revoked at any time by the Clerk and Speaker.

DUTIES OF THE ENROLLING CLERK.

Rule 55. The enrolling clerk of the House shall each day call upon the clerk and take charge of all House bills so soon as they are reported back to the House and ready to be enrolled; keep an accurate account of and carefully preserve all of them; cause them without delay to be plainly and legibly enrolled without blots, erasures or interlineations, and present the same when enrolled to the Committee on Enrollments, who shall immediately report them to the House for comparison and the signature of the Speaker; and when signed by the Speaker of the House, the enrolling clerk shall deliver them at once to the Senate or such committee as may be authorized to receive them in that body. All original House bills shall be returned by the enrolling clerk to the clerk of the House at the time of signing of the enrolled bills, and the clerk of the House shall carefully preserve them.

DOORKEEPER AND SERGEANT-AT-ARMS.

Rule 56. The chief clerk or his assistant, the doorkeeper, the

sergeant-at-arms, and all employes under them shall be in the House thirty minutes before the hour for the House to convene; and five minutes before the hour for the meeting of the House each day, the doorkeeper and sergeant-at-arms shall see that the floor of the House is cleared of all persons, except those privileged to remain. (See Rules 10 and 11.) And the sergeant-at-arms is empowered to deputize as many assistant sergeant-at-arms as he may deem necessary to carry out the order of the Speaker under Rule 4 of these rules.

MOTION TO RECONSIDER.

Rule 57. A motion to reconsider any motion of the House shall be in order for a period of three days, Sundays included, from the time said vote was taken; but a motion to reconsider shall not be in order after action has been had by the House in consequence of the decision proposed to be reconsidered. For instance, a motion to commit can not be reconsidered after the committee has taken the papers.

GENERAL PROVISIONS.

Rule 58. On all questions not provided for in the foregoing rules, the House shall be governed by parliamentary law or usage: Provided, That author of any measure shall have five minutes' time in which to explain upon the motion to lay on the table.

Rule 59. Whenever any committee shall report to the House a bill with the expression of opinion that it should not pass, said bill shall not be entitled to a reading unless it is so ordered by a vote of the House; and upon the question whether or not said bill shall be read the report of the committee to the contrary notwithstanding, no debate shall be allowed, except that the originator of the bill, or any one indicated by him, shall have ten minutes in which to explain the

bill; and any one member of the committee who favors the report of the committee may have a like time in which to explain the action of the committee, and then if said bill shall be ordered to a reading, it shall be read the first time in full and recommitted or placed in the calendar.

Rule 60. No appropriation shall be reported in any appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

Rule 61. That during the last ten days of the session, the Committee on Rules shall have power at any time to call from the orders of the day any bill or resolution and propose the same to the House for consideration, and should the House decide by vote to consider it, it shall be submitted for passage. The committee shall be authorized to call from other committees any bill or resolution in their hands and have them advanced to the reading to which the bills may be entitled.

Rule 62. If any bill, motion or resolution has been by vote carried or lost, and a motion is made to reconsider the vote by which the bill, motion or resolution was carried or lost, and said motion to reconsider is laid upon the table, then no further motion shall be entertained relative to said bill, motion or resolution, unless by the unanimous consent of the House.

Rule 63. All pairs announced in the Senate shall be entered on the Journal.

Rule 64. When the roll is being called on any proposition and the hour of adjournment arrives, the time for adjournment shall be extended until said roll call has been completed and the result announced.

W. J. GOOCH, Chairman Ex-Officio.
WM. F. KLAIR,

GEO. S. WILSON,
L. W. ARNETT,
J. WILL CLAY,
E. B. BEARD,
W. H. SHANKS,
J. A. SULLIVAN.

Said rules as reported from the committee were adopted.

A message was received from the Senate announcing that they had concurred in a joint resolution entitled:

H. Res. 1. Resolution providing for a joint session of the two Houses of this General Assembly for the purpose of electing a prison Commissioner and State Librarian.

A message was received from the Governor, in writing as follows, viz:

COMMONWEALTH OF KENTUCKY,

EXECUTIVE DEPARTMENT.

Gentlemen of the House of Representatives:

In obedience to the law I herewith send you a copy of the bond executed before me by Edwin Farley, State Treasurer.

This bond has been approved by me and is submitted to the General Assembly for its examination and consideration.

Very respectfully,

AUGUSTUS E. WILLSON,

Governor.

Whereas, Edwin Farley, of the county of McCracken and State

of Kentucky, was at the November election, 1907, duly elected to the office of Treasurer of the Commonwealth of Kentucky, for the ensuing term, commencing the first Monday in January, 1908, Now, we, Edwin Farley, principal, and W. F. Paxton, F. M. Fisher, R. Rudy, Jas. A. Rudy, Geo. C. Wallace, J. C. Farley, F. W. Katterjohn and W. L. Bower, as sureties, (all of the city of Paducah, county of McCracken and State of Kentucky), hereby bind ourselves jointly and severally, to the Commonwealth of Kentucky, that the said Edwin Farley, as Treasurer aforesaid, shall faithfully discharge the duties of said office according to law.

In testimony whereof, the said Edwin Farley as principal and the other subscribers as sureties, have hereunto subscribed our respective names, this the third day of December, 1907.

EDWIN FARLEY,
W. F. PAXTON,
F. M. FISHER,
R. RUDY,
J. A. RUDY,
GEO. C. WALLACE.
J. C. FARLEY,
F. W. KATTERJOHN,
W. L. BOWER.

Witness:
R. G. FISHER.

Approved January 4, 1908.

AUGUSTUS E. WILLSON, *Governor.*

Copy.

AFFIDAVIT OF F. W. KATTERJOHN.

State of Kentucky,
County of McCracken.

F. W. Katterjohn on oath states that he is one of the sureties on the bond of Edwin Farley as Treasurer of the State of Kentucky, executed Dec. 3, 1907, and he being duly sworn deposes and says

that he is the owner in fee simple title of real property situated in McCracken and ———— counties and state aforesaid of the fair cash value of $13,500 and personal property of the value of $61,500, and that the same is subject to execution and free from incumbrance of any and all nature whatsoever.

(Signed) F. W. KATTERJOHN.

Subscribed and sworn to before me by F. W. Katterjohn the above named surety this January 2, 1908.

The date of the expiration of my commission as Notary Public is January 22, 1908.

Witness my hand and seal of office, this January 2, 1908.

(Signed) PETER PURYEAR,
Notary Public McCracken county, Ky.

AFFIDAVIT OF W. L. BOWER.

State of Kentucky,
County of McCracken.

W. L. Bower on oath states that he is one of the sureties on the bond of Edwin Farley as Treasurer of the State of Kentucky, executed December 3, 1907, and he being duly sworn deposes and says that he is the owner in fee simple title of real property situated in McCracken and ———— counties and state aforesaid of the fair cash value of $25,000, and that the same is subject to execution and free from incumbrance of any and all nature whatsoever.

(Signed) W. L. BOWER.

Subscribed and sworn to before me by W. L. Bower, the above named surety, this January 1, 1908.

The date of the expiration of my commission as Notary Public is January 23, 1908.

Witness my hand and seal of office this January 1st, 1908.

(Signed) WILL H. FARLEY.

(SEAL) *Notary Public McCracken county, Ky.*

AFFIDAVIT OF GEO. C. WALLACE.

State of Kentucky,
County of McCracken.

George C. Wallace on oath states that he is one of the sureties on the bond of Edwin Farley as Treasurer of the State of Kentucky, executed December 3, 1907, and he being duly sworn, deposes and says that he is the owner in fee simple title of real property situated in the counties of McCracken and ———— and state aforesaid, of the fair cash value of $20,000 and $30,000 personal property, and that the same is subject to execution and free from incumbrance of any and all nature whatsoever.

(Signed) GEO. C. WALLACE.

Subscribed and sworn to before me by Geo. C. Wallace, the above named surety, this January 2, 1908.

The date of the expiration of my commission as Notary Public is January 22, 1908.

Witness my hand and seal of office this January 2, 1908.

(Signed) PETER PURYEAR.

(SEAL.)

AFFIDAVIT OF J. C. FARLEY.

State of Kentucky,
County of McCracken.

J. C. Farley on oath states that he is one of the sureties on the bond of Edwin Farley as Treasurer of the State of Kentucky executed December 3, 1907, and he being duly sworn deposes and says that he is the owner in fee simple title of real property situated in the counties of McCracken and ———— and state aforesaid of the fair cash value of $25,000, and that the same is subject to execution and free from incumbrance of any and all nature whatsoever.

(Signed) J. C. FARLEY.

Subscribed and sworn to before me by J. C. Farley, the above named surety, this January 2, 1908.

The date of the expiration of my commission as Notary Public is January 22, 1908.

Witness my hand and seal of office this January 2, 1908.

(Signed) PETER PURYEAR,
(SEAL) *Notary Public McCracken County, Ky.*

AFFIDAVIT OF W. F. PAXTON.

State of Kentucky,
County of McCracken.

W. F. Paxton on oath states that he is one of the sureties on the bond of Edwin Farley as Treasurer of the State of Kentucky, executed December 3, 1907, and he being duly sworn deposes and says that he is the owner in fee simple title of real property situated in McCracken and ———— counties and state aforesaid of the fair cash value of $40,000 exclusive of liens and personal property worth more than $10,000 and that the same is subject to execution and free from incumbrance of any and all nature whatsoever.

(Signed) W. F. PAXTON.

Subscribed and sworn to before me by W. F. Paxton, the above named surety, this January 2, 1908.

The date of the expiration of my commission as Notary Public is January 22, 1908.

Witness my hand and seal of office this January 2, 1908.

(Signed) PETER PURYEAR,

(SEAL) *Notary Public McCracken County, Ky.*

AFFIDAVIT OF F. M. FISHER.

State of Kentucky,
County of McCracken.

F. M. Fisher on oath states that he is one of the sureties on the bond of Edwin Farley as Treasurer of the State of Kentucky, executed December 3, 1907, and he being duly sworn deposes and says that he is the owner in fee simple title of real property situated in McCracken and ———— counties and state aforesaid of the fair cash value of $30,000 and that the same is subject to execution and free from incumbrance of any and all nature whatsoever.

(Signed) F. M. FISHER.

Subscribed and sworn to before me by F. M. Fisher, the above named surety, this January 2, 1908.

The date of the expiration of my commission as Notary Public is January 22, 1908.

Witness my hand and seal of office this January 2, 1908.

(Signed) PETER PURYEAR,

(SEAL) *Notary Public McCracken County, Ky.*

AFFIDAVIT OF JAS. A. RUDY.

State of Kentucky,
County of McCracken.

Jas. A. Rudy on oath states that he is one of the sureties on the bond of Edwin Farley as Treasurer of the State of Kentucky, executed December 3, 1907, and he being duly sworn deposes and says that he is the owner in fee simple title of real property situated in McCracken and ———— counties and state aforesaid of the fair cash value of $50,000, and that the same is subject to execution and free from incumbrance of any and all nature whatsoever.

(Signed) JAS. A. RUDY.

Subscribed and sworn to before me by Jas. A. Rudy the above named surety, this January 2, 1908.

The date of the expiration of my commission as Notary Public is January 22, 1908.

Witness my hand and seal of office this January 2, 1908.

(SIGNED) PETER PURYEAR,

SEAL. *Notary Public McCracken County, Ky.*

AFFIDAVIT OF R. RUDY.

State of Kentucky,
County of McCracken.

R. Rudy on oath states that he is one of the sureties on the bond of Edwin Farley as Treasurer of the State of Kentucky executed December 3, 1907, and he being duly sworn deposes and says that he is the owner in fee simple title of personal property situated in McCracken and————counties and State aforesaid of the fair cash value of $50,000, and that the same is subject to execution and free from incumbrance of any and all nature whatsoever.

(SIGNED) R. RUDY.

Subscribed and sworn to before me by R. Rudy the above named surety this January 2, 1908.

The date of the expiration of my commission as Notary Public is January 22, 1908.

Witness my hand and seal of office this January 2, 1908.

(SIGNED.) PETER PURYEAR.
(SEAL.) *Notary Public McCracken County, Ky.*

Which was received, read and ordered to be filed and referred to the Committee on Judiciary.

Mr. Mueller offered the following resolution, viz.:

Resolved by the House of Representatives, That the House provide for 110 copies of the Louisville Courier-Journal for the members, and that the Clerk of the House make out the warrant for same to be paid out of the contingent fund.

Mr. Wilson moved that said resolution lie on the table.

Said motion was agreed to.

Mr. Richardson offered the following resolution, viz.:

Resolved, That the State Librarian be and is hereby authorized and directed to purchase a sufficient number of copies of the latest edition of the Kentucky Statutes and Carroll's Codes of Practice of Kentucky for each chairman of the House Committees and the official manual of Kentucky, one copy of each of said manual to every Senator and member of the House of Representatives, and that the Auditor of State, on the approval of the State Librarian, is hereby directed to draw a voucher for the purchase price of said books on the Treasury of the State for payment of same.

Which was agreed to.

Mr. Richardson moved that the House do now proceed to the execution of the Special Order of the day, as provided by the laws of the United States and of the State of Kentucky, viz.:

The naming of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the 4th day of March, 1909.

Said motion was agreed to.

The Speaker announced that nominations for said office were in order.

Mr. Porter named the Hon. J. C. W. Beckham, of Nelson county, as a suitable person to fill said office.

Mr. Sawyer A. Smith named Hon. William O. Bradley as a suitable person to fill said office.

The House then proceeded openly by viva voce vote of each member present to name one person as Senator in the Congress of the United States from the State of Kentucky as aforesaid, and the vote so taken was as follows, viz.:

Those who voted for Mr. J. C. W. Beckham were—

A. A. Allphin,	R. Dillard Hunter,	W. H. Shanks,
Robert H. Anderson,	F. M. Hutcheson, Jr.	Robert C. Simmons,
Louis W. Arnett,	J. H. Jackson,	John L. Smith,
Elliott B. Beard,	W. J. Jackson,	John S. Steers,
J. W. Berkshire,	W. F. Klair,	J. W. Stump,
P. W. Berkshire,	Hugh Mahin,	J. A. Sullivan,
O. Houston Brooks,	W. C. McChord,	J. B. Swann,

Frank J. Brown,	Duncan Milliken,	Eugene W. Tandy,
J. T. Buford,	Jesse F. Nichols,	C. S. Templeman,
J. Will Clay,	A. C. Oliver,	Wm. M. Thompson,
Dr. C. F. Crecelius,	W. V. Perry,	Geo. C. Waggoner,
Wm. E. Dowling,	John C. Pirtle,	E. E. Wash,
W. F. Edmunds,	J. F. Porter,	W. R. Whitlow,
Robert Enlow,	G. T. Reynolds,	Geo. S. Wilson,
F. E. Graves,	Gus W. Richardson,	J. Hal. Woodford,
W. W. Hopkins,	H. A. Schoberth,	Speaker Gooch—48

Those who voted for Mr. Wm. O. Bradley were—

O. P. Applegate,	C. W. G. Hannah,	Garfield Moore,
F. Pierce Blair,	Robert L. Harris,	G. W. Parrott,
W. N. Brown, Jr.	John P. Haswell, Jr.	C. C. Patrick,
Albert Butler,	R. F. Hutchinson,	Samuel J. Patrick,
C. C. Chase,	W. Harrison Isaacs,	G. L. Perryman,
H. K. Cole,	T. C. Jackson,	R. S. Rector,
W. A. Cope,	W. H. Jones,	Isaac G. Rice,
Denver B. Cornett,	W. L. Kimbrough,	John T. Shanklin,
John T. Davis,	Cleves G. Kinkead,	J. A. Sloan,
W. A. B. Davis,	A. T. Knox,	Sawyer A. Smith,
Thurman B. Dixon,	A. T. Lee,	R. E. Stewart,
J. A. Duff,	Jasper D. Lowder,	W. H. Strange,
John Feland,	Wm. S. Markolf,	D. P. Taggart,
Thos. E. Finley,	J. B. Maynard,	John P. Wallace,
S. L. Givan,	Emanuel Meyer,	Harry Weitkamp,
R. L. Gwathmey,	H. L. Myers,	W. C. Wynn—48

Those who voted for Mr. James N. Kehoe were—

Virgil McKnight,

Those who voted for Mr. David W. Baird were—

Chris. Mueller,

On summing up the vote it was found to stand thus:

For J. C. W. Beckham	48 votes.
For Wm. O. Bradley	48 votes.
For James N. Kehoe	1 vote.
For David W. Baird	1 vote.
Total	98 votes.

Ordered that the Clerk spread same on the Journal of the House and also enter thereon the fact that no one person has received a majority of all the votes cast, a majority of the members being present and voting.

A message was received from the Senate announcing that they had adopted the following as the joint rules of the Senate and House of Representatives, viz.:

Joint Rule 1. When bills are on their passage between the two Houses, they shall be on paper, and under the signature of the clerk of each House respectively.

Joint Rule 2. After a bill shall have passed both Houses, it shall be duly enrolled on paper, and under the signature of the clerk of each House respectively.

Joint Rule 3. When bills are enrolled, they shall be examined by a joint committee of five from the Senate and five from the House of Representatives, appointed as a standing committee for that purpose, one of whom, on the part of the Senate, and two from the House of Representatives, shall be sufficient to compare the enrolled with the engrossed bills, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.

Joint Rule 4. After examination and report, each bill shall be signed in their respective Houses during open session. All bills which originate in the Senate, shall be signed first by the President of the Senate, and all bills which originate in the House of Representatives, shall be signed first by the Speaker of the House of Representatives.

Joint Rule 5. After a bill shall have been thus signed by each House, it shall be presented by the clerk of the House in which the bill originated to the Governor for his approbation—it being first indorsed on the back of the bill, certifying in which House the same originated, which endorsement shall be signed by the clerk of the House in which the same did originate, and shall be entered on the Journal of each House. The said clerk shall report the day of presentation to the Governor, which time shall also be carefully entered upon the Journal of each House.

Joint Rule 6. All bills and resolutions passing from one House to the other shall take the course prescribed by the House to which they are transmitted.

Joint Rule 7. All orders and resolutions which are to be presented to the Governor for his approbation shall also be previously enrolled, examined and signed in open session, and shall be presented in the same manner and by the clerk, as is provided in the case of bills.

Joint Rule 8. Every order, resolution or vote to which the concurrence of the Senate shall be necessary, shall be read to the House and laid on the clerk's desk on a day preceding that in which the same shall be moved, unless the House shall otherwise expressly allow.

Joint Rule 9. When any papers may come officially before either branch of the Legislature, or any communication from the Governor, and are proper to be acted upon by both Houses, the House before which such papers are laid, or to whom such communications are made,

shall, as soon as they have proceeded and acted on the same, lay them before the other House.

Joint Rule 10. When there is a communication from the Governor, or a message from one House to the other, it shall be received without delay; if the House be in Committee, the Speaker shall resume the chair, and if any member be speaking, he shall suspend his remarks until the communication or message be received.

Joint Rule 11. When it is not otherwise provided by law, the members of the Senate and House of Representatives, in the selection of all officers elective by the General Assembly as an entirety, shall be convened in joint meeting, and unless differently prescribed by law, a majority of the two bodies shall constitute a quorum in joint meeting for the transaction of all business before it.

All joint meetings of the Senate and House of Representatives shall be held in the Hall of the House of Representatives and in all cases in which the date of any meeting is not fixed by law the time shall be designated and fixed by the order of the Speaker of the House of Representatives, which order shall be entered upon the Journal of the House by the clerk thereof, and a copy of said order he shall certify and deliver to the clerk of the Senate, who shall enter the same upon the Journal of that body.

At all such meetings the President of the Senate, if he be not personally interested in the business of the Joint meeting, and in that event the President pro tem. of the Senate, if he be not under like disqualification, may occupy a seat to the left of the Speaker of the House, but the Speaker of the House shall preside, preserve decorum, put questions, decide all points of order and perform the duties usually discharged by presiding officers. The Clerk of the Senate shall be Chief Clerk of the joint sessions, assisted by the Clerk of the House. They shall enter upon the journal of their respective bodies the proceedings of the joint assembly.

In recording any vote required to enter upon the record the names of the Senators shall be first called, and then those of the House of Representatives, and all questions shall be determined by a majority of the votes cast.

The Sergeant at Arms of the Senate assisted by the Sergeant at Arms of the House shall perform the duties of that office in the joint meeting, and the Doorkeeper of the House, assisted by the Doorkeeper of the Senate, shall perform the duties of that office in the joint meeting.

The time of dissolving the joint meeting shall be controlled by itself, without reference to the hours of adjournment fixed by the rules for the government of the two bodies separately.

CONN LINN, President Pro Tem,
Chairman.

THOS. A. COMBS.
ALBERT H. CHARLTON.
H. S. McNUTT.
J. P. CHINN.
M. G. WATSON.
J. WHEELER CAMPBELL.
J. W. NEWMAN.
FRANK RIVES.
W. J. GOOCH, Chairman.
WM. F. KLAIR.
GEO. S. WILSON.
J. F. PORTER.
L. W. ARNETT.
J. WILL CLAY.
E. B. BEARD.
W. H. SHANKS.
J. A. SULLIVAN.

Mr. Klair moved that the House do now take up for consideration said joint rules as adopted by and reported from the Senate.

Said motion was agreed to.

Mr. Haswell offered the following amendment to said joint rules, viz.:

Strike out Joint Rule 11 and insert in lieu thereof the following, viz.: When it is not otherwise provided by law the members of the Senate and House of Representatives in the selection of all offices elective by the General Assembly as an entirety shall be convened in joint meeting and unless differently prescribed by law a majority of the members of the two bodies shall constitute a quorum in joint meetings for the transaction of all business. All joint meetings of the Senate and House of Representatives shall be held in the hall of the House of Representatives and in all cases in which the date of such meeting is not fixed by law it shall be designated and fixed by the joint order of the Speaker of the House of Representatives and the President of the Senate, which order shall be entered upon the Journals of the House and Senate. At such meetings the President of the Senate shall occupy a seat on the right of the Speaker of the House, preside, preserve decorum, put questions and decide all points of order, be governed by the rules of the Senate when they are applicable and by parliamentary usage. The Chief Clerk of the Senate shall be the Chief Clerk of the joint sessions, assisted by the Chief Clerk of the House . They shall enter on the Journals of their respective Houses the proceedings of the joint assembly. In recording any vote the names of the Senators shall be first entered and all questions shall be determined by a majority of the votes cast. The Sergeant at Arms of the House shall perform the duties of that office in the joint assembly.

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Haswell and Sloan were as follows, viz.:

Those who voted in the affirmative were—

O. P. Applegate,
F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
C. C. Chase,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
John T. Davis,
W. A. B. Davis,
Thurman B. Dixon,
J. A. Duff,
John Feland,
Thos. E. Finley,
S. L. Givan,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
T. C. Jackson,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
Emanuel Meyer,
H. L. Myers,
Garfield Moore,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
G. L. Perryman,
R. S. Rector,
Isaac G. Rice,
John T. Shanklin,
J. A. Sloan,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
D. P. Taggart,
John P. Wallace,
Harry Weitkamp,
W. C. Wynn—48

Those who voted in the negative were—

A. A. Allphin,
Robt. H. Anderson,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
J. Will Clay,
Dr. C. F. Crecelius,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
F. E. Graves,
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
J. H. Jackson,
W. J. Jackson,
W. F. Klair,
E. W. Lillard,
Hugh Mahin,
W. C. McChord,
Virgil McKnight,
Duncan Milliken,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
Robert C. Simmons,
John L. Smith,
John S. Steers,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson,
J. Hal. Woodford,
Speaker Gooch—51

Said joint rules as reported from the Senate were then adopted.

The hour of 11:30 o'clock a. m. having arrived, the hour for the joint special order of the day, as provided by a joint resolution heretofore adopted by the Senate and House of Representatives, viz.: The election of a Prison Commissioner and State Librarian.

(For resolution see House Journal January 8, 1908.)

The Senate of Kentucky in order entered upon the floor of the hall of the House of Representatives, and in pursuance to a joint rule of the Senate and House of Representatives, the Hon. W. J. Gooch, Speaker of the House of Representatives, presided over the joint assembly.

The two Houses were convened in joint assembly.

The roll was called and the following members of the Senate and House of Representatives answered to their names, viz.:

In the Senate—

Joe F. Bosworth,	G. T. Jarvis,	Hillard H. Smith,
R. B. Brown,	Ben F. Landrum,	Jno. F. Smith,
A. R. Burnam,	Conn Linn,	W. W. Tabb,
J. Wheeler Campbell,	P. S. Maxwell,	E. M. Taylor,
Albert H. Charlton,	H. S. McNutt,	G. A. Taylor,
J. P. Chinn,	L. C. Nell,	John L. Vice,
Thos. A. Combs,	J. W. Newman,	Ed. E. Walker,
Nat. C. Cureton,	A. J. Oliver,	J. J. Watkins,
J. A. Donaldson,	R. W. Owen,	M. G. Watson,
C. B. Ecton,	Sam H. Peters,	Geo. Wilhelmi,
B. C. Grigsby,	E. K. Renaker,	J. W. Wright,
O. P. Hogan,	Frank Rives,	G. T. Wyatt—38
R. L. Hubble,	Benjamin Sewell,	

In the House of Representatives—

A. A. Allphin,
Robt. H. Anderson,
O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
John Feland,
Thos. E. Finley,
S L. Givan,
F. E. Graves,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Virgil McKnight,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Garfield Moore,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford.
Speaker Gooch—99

A majority of all the members elected to each House being present, the Speaker announced that nominations for the office of Prison Com-

missioner were in order.

Senator Combs named Finley E. Fogg, of Morgan county, as a suitable person to fill said office.

Senator Cureton named J. B. Macklin, of Breathitt county, as a suitable person to fill said office.

The vote being taken between the persons named resulted as follows, viz.:

In the Senate—

Those who voted for Mr. Fogg were—

R. B. Brown,	R. L. Hubble,	E. K. Renaker,
J. Wheeler Campbell,	Conn Linn,	Frank Rives,
Albert H. Charlton,	P. S. Maxwell,	W. W. Tabb,
J. P. Chinn,	H. S. McNutt,	E. M. Taylor,
Thos. A. Combs,	J. W. Newman,	J. J. Watkins,
J. A. Donaldson,	R. W. Owen,	M. G. Watson,
C. B. Ecton,	Sam H. Peters,	G. T. Wyatt—22
O. P. Hogan,		

Those who voted for Mr. Macklin were—

Joe F. Bosworth,	L. C. Nell,	G. A. Taylor,
A. R. Burnam,	A. J. Oliver,	John L. Vice,
Nat. C. Cureton,	Benjamin Sewell,	Ed. E. Walker,
B. C. Grigsby,	Hillard H. Smith,	Geo. Wilhelmi,
G. T. Jarvis,	Jno. F. Smith,	J. W. Wright—16
Ben F. Landrum,		

In the House of Representatives—

Those who voted for Mr. Fogg were—

A. A. Allphin,	F. M. Hutcheson, Jr.	H. A. Schoberth,
Robt. H. Anderson,	J. H. Jackson,	W. H. Shanks,

Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
J. Will Clay,
Dr. C. F. Crecelius,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
F. E. Graves,
W. W. Hopkins,
R. Dillard Hunter,
W. J. Jackson,
W. F. Klair,
E. W. Lillard,
Hugh Mahin,
W. C. McChord,
Virgil McKnight,
Duncan Milliken,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
Gus W. Richardson,
Robert C. Simmons,
John L. Smith,
John S. Steers,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson,
J. Hal. Woodford,
Speaker Gooch—51

Those who voted for Mr. Macklin were—

O. P. Applegate,
F. Pierce Blair,
C. W. G. Hannah,
Robert L. Harris,
Garfield Moore,
G. W. Parrott,

W. N. Brown, Jr.
Albert Butler,
C. C. Chase,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
John T. Davis,
W. A. B. Davis,
Thurman B. Dixon,
J. A. Duff,
John Feland,
Thos. E. Finley,
S. L. Givan,
R. L. Gwathmey,
John P. Haswell, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
T. C. Jackson,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
Emanuel Meyer,
H. L. Myers,
C. C. Patrick,
Samuel J. Patrick,
G. L. Perryman,
R. S. Rector,
Isaac G. Rice,
John T. Shanklin,
J. A. Sloan,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
D. P. Taggart,
John P. Wallace,
Harry Weitkamp,
W. C. Wynn—48

In summing up the vote it was found to stand:

In Senate—

For Mr. Fogg ----------22 votes.
For Mr. Macklin ----------16 votes.

In House of Representatives—

For Mr. Fogg ----------51 votes.
For Mr. Macklin ----------48 votes.

Total vote—

For Mr. Fogg ----------73 votes.
For Mr. Macklin ----------64 votes.

Total number of votes----------137 votes.

Necessary to a choice ---------- 69 votes.

It appearing that Finley E. Fogg has received a majority of all the votes each, a majority of all the members elected to each House being present and voting.

The Hon. W. J. Gooch, Speaker of the House of Representatives and presiding over the joint assembly, announced and declared that the said Finley E. Fogg was duly elected a member of the "Board to govern the Penitentiaries of the State" for a term of four years.

The said Speaker announced that nominations for the office of State Librarian were in order.

Senator Combs named Frank K. Kavanaugh, of Franklin county, as a suitable person to fill said office.

No other nomination being made, the vote was taken and resulted as follows, viz.:

In the Senate—

Joe F. Bosworth,	G. T. Jarvis,	Hillard H. Smith,
R. B. Brown,	Ben F. Landrum,	Jno. F. Smith,
A. R. Burnam,	Conn Linn,	W. W. Tabb,
J. Wheeler Campbell,	P. S. Maxwell,	E. M. Taylor,
Albert H. Charlton,	H. S. McNutt,	G. A. Taylor,
J. P. Chinn,	L. C. Nell,	John L. Vice,
Thos. A. Combs,	J. W. Newman,	Ed. E. Walker,
Nat. C. Cureton,	A. J. Oliver,	J. J. Watkins,
J. A. Donaldson,	R. W. Owen,	M. G. Watson,
C. B. Ecton,	Sam H. Peters,	Geo. Wilhelmi,
B. C. Grigsby,	E. K. Renaker,	J. W. Wright,
O. P. Hogan,	Frank Rives,	G. T. Wyatt—38
R. L. Hubble,	Benjamin Sewell,	

In the House of Representatives—

Those who voted for Mr. Kavanaugh were—

A. A. Allphin,	J. P. Haswell, Jr.	G. L. Perryman,
Robt. H. Anderson,	W. W. Hopkins,	John C. Pirtle,
O. P. Applegate,	R. Dillard Hunter,	J. F. Porter,
Louis W. Arnett,	F. M. Hutcheson, Jr.	R. S. Rector,
Elliott B. Beard,	R. F. Hutchinson,	G. T. Reynolds,
J. W. Berkshire,	W. Harrison Isaacs,	Isaac G. Rice,
P. W. Berkshire,	J. H. Jackson,	Gus W. Richardson,
F. Pierce Blair,	W. J. Jackson,	H. A. Schoberth,
O. Houston Brooks,	T. C. Jackson,	W. H. Shanks,
Frank J. Brown,	W. H. Jones,	John T. Shanklin,
W. N. Brown, Jr.	W. F. Klair,	Robert C. Simmons,
J. T. Buford,	W. L. Kimbrough,	J. A. Sloan,
Albert Butler,	Cleves G. Kinkead,	John L. Smith,
C. C. Chase,	A. T. Knox,	Sawyer A. Smith,
J. Will Clay,	A. T. Lee,	John S. Steers,
H. K. Cole,	E. W. Lillard,	R. E. Stewart,
W. A. Cope,	Jasper D. Lowder,	W. H. Strange,

Denver B. Cornett,	Hugh Mahin,	J. W. Stump,
Dr. C. F. Crecelius,	Wm. S. Markolf,	J. A. Sullivan,
John T. Davis,	J. B. Maynard,	J. B. Swann,
W. A. B. Davis,	W. C. McChord,	D. P. Taggart,
Thurman B. Dixon,	Virgil McKnight,	Eugene W. Tandy,
Wm. E. Dowling,	Emanuel Meyer,	C. S. Templeman,
J. A. Duff,	H. L. Myers,	Wm. M. Thompson,
W. F. Edmunds,	Duncan Milliken,	Geo. C. Waggoner,
Robert Enlow,	Garfield Moore,	John P. Wallace,
John Feland,	Chris. Mueller,	E. E. Wash,
Thos. E. Finley,	Jesse F. Nichols,	Harry Weitkamp,
S. L. Givan,	A. C. Oliver,	W. R. Whitlow,
F. E. Graves,	G. W. Parrott,	W. C. Wynn,
R. L. Gwathmey,	C. C. Patrick,	Geo. S. Wilson,
C. W. G. Hannah,	Samuel J. Patrick,	J. Hal. Woodford,
Robert L. Harris,	W. V. Perry,	Speaker Gooch—99

In summing up the vote it was found to stand as follows, viz.:

In Senate—

For Mr. Kavanaugh----------38 votes.

In House—

For Mr. Kavanaugh----------99 votes.

Total ----------137 votes.

It appearing that Frank K. Kavanaugh has received all of the votes cast, a majority of all the members elected to each House being present and voting.

The said Speaker announced and declared that the said Frank K. Kavanaugh was duly elected to the office of State Librarian for the term of four years beginning on the first Monday in June, 1908.

The journals of the two Houses relating to the election of Prison

Commissioner and State Librarian were read and approved.

Mr. Arnett moved that the joint assembly do now dissolve.

Said motion was agreed to.

The Senate retired to their Chamber and the House was called to order.

The Speaker acting under and by virtue of a resolution adopted by the House on a former day of the session.

(For resolution see House Journal, January 9, 1908.)

Announced the following appointments, viz.:

As Stenographer for the House of Representatives:

Miss Mary Robards, of Mercer county.

As Messengers of the House of Representatives:

Roger Richardson Edmunds, of Barren county; William Carrol Spears, of Anderson county; Timothy McAuliffe, of Louisville, Jefferson county.

And then the House adjourned.

WEDNESDAY, JANUARY 15, 1908.

The House was opened with prayer by Rev. Wm. Crowe, of the Presbyterian Church, Southern Assembly.

The reading of the journal of yesterday's proceedings was dispensed with.

Mr. Arnett offered the following resolutions, viz.:

Resolved, that there shall be furnished to each member of this House one copy each of the Cincinnati Enquirer and Courier-Journal at a cost not to exceed the regular subscription rates. The same to be certified and paid as a contingent expense of this House.

Mr. Beard offered the following amendment to said resolution by way of substitute, viz.:

Be it resolved that the Sergeant-at-Arms is directed to cause to be laid upon the desk of each member of the House during the session one daily newspaper to be selected by the member, at the usual subscription price, and a warrant shall be drawn on the treasury in payment of the same, as a part of the contingent expense of the House.

Mr. Wilson moved that said resolution and pending substitute lie on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Richardson and McChord were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Frank J. Brown,
Robert Enlow,
R. Dillard Hunter,
W. C. McChord,
Duncan Milliken,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
John L. Smith,
John S. Steers,
Geo. S. Wilson,
J. Hal. Woodford-13

Those who voted in the negative were—

Robt. H. Anderson,
O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
John Feland,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
J. P. Haswell, Jr.
W. W. Hopkins,
F. M. Hutcheson, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
Virgil McKnight,
Emanuel Meyer,
H. L. Myers,
Garfield Moore,
Chris. Mueller,
Jesse F. Nichols,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
G. L. Perryman,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
Robert C. Simmons,
J. A. Sloan,
Sawyer A. Smith,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn—78

The substitute as proposed by Mr. Beard was disagreed to.

The yeas and nays being required thereon by Messrs. Arnett and Mueller were as follows, viz:

Those who voted in the affirmative were—

Elliott B. Beard,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
W. F. Edmunds,
Robert Enlow,
W. W. Hopkins,
F. M. Hutcheson, Jr.
J H. Jackson,
W. C. McChord,
Duncan Milliken,
Jesse F. Nichols,
A. C. Oliver,
J. F. Porter,
G. T. Reynolds,
Gus W. Richardson,
W. H. Shanks,
Robert C. Simmons,
John L. Smith,
J. B. Swann,
Wm. M. Thompson,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson,
J. Hal. Woodford 25

Those who voted in the negative were—

A. A. Allphin,
Robt. H. Anderson,
O. P. Applegate,
Louis W. Arnett,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
C. C. Chase,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
John Feland,
C. W. G. Hannah,
Robert L. Harris,
J. P. Haswell, Jr.
R. Dillard Hunter,
R. F. Hutchinson,
W. Harrison Isaacs,
T. C. Jackson,
W. H. Jones,
W. F. Klain,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
Virgil McKnight,
Emanuel Meyer,
H. L. Myers,
Chris. Mueller,
C. C. Patrick,
Samuel J. Patrick,
G. L. Perryman,
John C. Pirtle,
R. S. Rector,
Isaac G. Rice,
H. A. Schoberth,
John T. Shanklin,
J. A. Sloan,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. A. Sullivan,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Geo. C. Waggoner,
John P. Wallace,

Thos. E. Finley, R. L. Gwathmey, Harry Weitkamp,
S. L. Givan, G. W. Parrott, W. C. Wynn,
F. E. Graves, Garfield Moore,

Said resolution as proposed by Mr. Arnett was agreed to.

The yeas and nays being required thereon by Messrs. Arnett and McKnight were as follows, viz:

Those who voted in the affirmative were—

Robt. H. Anderson, S. L. Givan, Jesse F. Nichols,
O. P. Applegate, R. L. Gwathmey, A. C. Oliver,
Louis W. Arnett, C. W. G. Hannah, G. W. Parrott,
Elliott B. Beard, Robert L. Harris, C. C. Patrick,
J. W. Berkshire, J. P. Haswell, Jr. Samuel J. Patrick,
P. W. Berkshire, R. F. Hutchinson, G. L. Perryman,
F. Pierce Blair, W. Harrison Isaacs, R. S. Rector,
Frank J. Brown, T. C. Jackson, Isaac G. Rice,
W. N. Brown, Jr. W. H. Jones, H. A. Schoberth,
Albert Butler, W. F. Klair, W. H. Shanks,
C. C. Chase, W. L. Kimbrough, John T. Shanklin,
J. Will Clay, A. T. Knox, Robert C. Simmons,
H. K. Cole, A. T. Lee, J. A. Sloan,
W. A. Cope, Jasper D. Lowder, Sawyer A. Smith,
Denver B. Cornett, Hugh Mahin, John S. Steers,
Dr. C. F. Crecelius, Wm. S. Markolf, R. E. Stewart,
John T. Davis, J. B. Maynard, W. H. Strange,
W. A. B. Davis, Virgil McKnight, J. A. Sullivan,
Thurman B. Dixon, Emanuel Meyer, D. P. Taggart,
Wm. E. Dowling, H. L. Myers, Eugene W. Tandy,
J. A. Duff, Garfield Moore, John P. Wallace,
John Feland, Chris. Mueller, Harry Weitkamp 67
Thos. E. Finley,

Those who voted in the negative were—

A. A. Allphin, E. W. Lillard, J. B. Swann,
O. Houston Brooks, W. C. McChord, C. S. Templeman,

J. T. Buford,	Duncan Milliken,	Wm. M. Thompson,
W. F. Edmunds,	W. V. Perry,	Geo. C. Waggoner,
Robert Enlow,	John C. Pirtle,	E. E. Wash,
F. E. Graves,	J. F. Porter,	W. R. Whitlow,
W. W. Hopkins,	G. T. Reynolds,	W. C. Wynn,
R. Dillard Hunter,	Gus W. Richardson,	Geo. S. Wilson,
F. M. Hutcheson, Jr.	John L. Smith,	J. Hal. Woodford 29
J. H. Jackson,	J. W. Stump,	

Mr. Hannah moved to reconsider the vote by which said resolution was agreed to be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The hour of 12 o'clock, meridian, having arrived, the hour for the execution of the joint special order of the day, to-wit: The naming of one person as Senator in the Congress of the United States from the State of Kentucky, for the term of six years to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March 1909, said joint special order being provided for and in accordance with the laws of the United States and of the State of Kentucky.

The Senate of Kentucky, in order, entered upon the floor of the hall of the House of Representatives, and in pursuance of a joint rule of the Senate and House of Representatives, Hon. W. J. Gooch, Speaker of the House of Representatives, presided over the joint assembly; the Hon. W. H. Cox, Lieutenant Governor and President of the Senate, took his seat on the left of the Speaker.

The two Houses were convened in joint assembly, the same being composed of a majority of all members elected to both Houses.

The roll was called and the following Senators and Representatives answered to their names, viz.:

In the Senate—

Joe F. Bosworth,
R. B. Brown,
A. R. Burnam,
J. Wheeler Campbell,
Albert H. Charlton,
J. P. Chinn,
Thos. A. Combs,
Nat. C. Cureton,
J. A. Donaldson,
C. B. Ecton,
B. C. Grigsby,
O. P. Hogan,
R. L. Hubble,
G. T. Jarvis,
Ben F. Landrum,
Conn Linn,
P. S. Maxwell,
H. S. McNutt,
L. C. Nell,
J. W. Newman,
A. J. Oliver,
R. W. Owen,
Sam H. Peters,
E. K. Renaker,
Frank Rives,
Benjamin Sewell,
Hillard H. Smith,
Jno. F. Smith,
W. W. Tabb,
E. M. Taylor,
G. A. Taylor,
John L. Vice,
Ed. E. Walker,
J. J. Watkins,
M. G. Watson,
Geo. Wilhelmi,
J. W. Wright,
G. T. Wyatt—38

In the House of Representatives—

A. A. Allphin,
Robt. H. Anderson,
O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
J. P. Haswell, Jr.
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Virgil McKnight,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,

Thurman B. Dixon,	Emanuel Meyer,	C. S. Templeman,
Wm. E. Dowling,	H. L. Myers,	Wm. M. Thompson,
J. A. Duff,	Duncan Milliken,	Geo. C. Waggoner,
W. F. Edmunds,	Garfield Moore,	John P. Wallace,
Robert Enlow,	Chris. Mueller,	E. E. Wash,
John Feland,	Jesse F. Nichols,	Harry Weitkamp,
Thos. E. Finley,	A. C. Oliver,	W. R. Whitlow,
S. L. Givan,	G. W. Parrott,	W. C. Wynn,
F. E. Graves,	C. C. Patrick,	Geo. S. Wilson,
R. L. Gwathmey,	Samuel J. Patrick,	J. Hal. Woodford,
C. W. G. Hannah,	W. V. Perry,	Speaker Gooch—98
Robert L. Harris,	Eugene W. Tandy,	

It appearing that a quorum was present, the journals of the proceedings had in the two Houses on yesterday, pertaining to the election of a Senator in the Congress of the United States from the State of Kentucky as aforesaid were read and approved by the joint assembly.

It appearing upon reading and comparison of the two journals as aforesaid, that the vote taken in the two Houses of the General Assembly separately on yesterday was as follows, viz:

In the Senate—

Those who voted for J. C. W. Beckham were—

R. B. Brown,	R. L. Hubble,	E. K. Renaker,
J. P. Chinn,	Conn Linn,	Frank Rives,
Thos. A. Combs,	P. S. Maxwell,	E. M. Taylor,
J. A. Donaldson,	J. W. Newman,	J. J. Watkins,
C. B. Ecton,	R. W. Owen,	M. G. Watson,
O. P. Hogan,	Sam H. Peters,	G. T. Wyatt—18

Those who voted for W. O. Bradley were—

Joe F. Bosworth,	L. C. Nell,	G. A. Taylor,
A. R. Burnam,	A. J. Oliver,	John L. Vice,

Nat. C. Cureton,
B. C. Grigsby,
G. T. Jarvis,
Ben F. Landrum,
Benjamin Sewell,
Hillard H. Smith,
Jno. F. Smith,
Ed. E. Walker,
Geo. Wilhelmi,
J. W. Wright—16

Those who voted for Chas. K. Wheeler were—

J. Wheeler Campbell,

Those who voted for John L. Dodd were—

H. S. McNutt,

Those who voted for John B. Castleman were—

Albert H. Charlton,

Those who voted for D. H. Smith were—

W. W. Tabb,

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

A. A. Allphin,
Robt. H. Anderson,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
J. Will Clay,
Dr. C. F. Crecelius,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
F. E. Graves,
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
J. H. Jackson,
W. J. Jackson,
W. F. Klair,
Hugh Mahin,
W. C. McChord,
Duncan Milliken,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
Robert C. Simmons,
John L. Smith,
John S. Steers,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson,
J. Hal. Woodford,
W. J. Gooch—48

Those who voted for W. O. Bradley were—

O. P. Applegate,	C. W. G. Hannah,	Garfield Moore,
F. Pierce Blair,	Robert L. Harris,	G. W. Parrott,
W. N. Brown, Jr.	J. P. Haswell, Jr.	C. C. Patrick,
Albert Butler,	R. F. Hutchinson,	Samuel J. Patrick,
C. C. Chase,	W. Harrison Isaacs,	G. L. Perryman,
H. K. Cole,	T. C. Jackson,	R. S. Rector,
W. A. Cope,	W. H. Jones,	Isaac G. Rice,
Denver B. Cornett,	W. L. Kimbrough,	John T. Shanklin,
John T. Davis,	Cleves G. Kinkead,	J. A. Sloan,
W. A. B. Davis,	A. T. Knox,	Sawyer A. Smith,
Thurman B. Dixon,	A. T. Lee,	R. E. Stewart,
J. A. Duff,	Jasper D. Lowder,	W. H. Strange,
John Feland,	Wm. S. Markolf,	D. P. Taggart,
Thos. E. Finley,	J. B. Maynard,	John P. Wallace,
S. L. Givan,	Emanuel Meyer,	Harry Weitkamp,
R. L. Gwathmey,	H. L. Myers,	W. C. Wynn—48

Those who voted for David W. Baird were—

Chris. Mueller,

Those who voted for James N. Kehoe were—

Virgil McKnight,

In summing up the vote as given above it was found to be as follows, viz:

In the Senate—

For J. C. W. Beckham---------18 votes.
For Wm. O. Bradley---------16 votes.
For John L. Dodd---------1 vote.
For John B. Castleman---------1 vote.
For Chas. K. Wheeler---------1 vote.
For D. H. Smith---------1 vote.

In House of Representatives—

For J. W. C. Beckham----------48 votes.
For Wm. O. Bradley----------48 votes.
For James N. Kehoe---------- 1 vote.
For David W. Baird---------- 1 vote.

It appearing from the reading and comparison of the journals of the two Houses and an inspection of the vote as above set out that no one person received on yesterday in separate session, a majority of all the votes cast in each House, a majority of all the members elected to each House respectively being present and voting, Hon. W. J. Gooch, Speaker of the House of Representatives presiding over the joint assembly, announced and declared that no election was had.

It was thereupon announced that nominations before the joint assembly for the office of Senator were in order.

Senator Combs named Hon. J. C. W. Beckham, of Nelson county, as a suitable person to fill said office.

Mr. Feland named Hon. W. O. Bradley, of Jefferson county, as a suitable person to fill said office.

Thereupon the joint assembly proceeded in accordance with the laws of the United States and of the State of Kentucky, to choose by viva voce vote of each member present, one person for the purpose aforesaid, a majority of all the members elected to both Houses being present and voting, and the vote thus taken resulted as follows, viz:

In the Senate—

Those who voted for J. C. W. Beckham were—

R. B. Brown,
J. P. Chinn,
Thos. A. Combs,
J. A. Donaldson,
C. B. Ecton,
O. P. Hogan,
R. L. Hubble,
Conn Linn,
P. S. Maxwell,
J. W. Newman,
R. W. Owen,
Sam H. Peters,
E. K. Renaker,
Frank Rives,
W. W. Tabb,
E. M. Taylor,
J. J. Watkins,
M. G. Watson,
G. T. Wyatt—19

Those who voted for W. O. Bradley were—

Joe F. Bosworth,
A. R. Burnam,
Nat. C. Cureton,
B. C. Grigsby,
G. T. Jarvis,
Ben F. Landrum,
L. C. Nell,
A. J. Oliver,
Benjamin Sewell,
Hillard H. Smith,
Jno. F. Smith,
G. A. Taylor,
John L. Vice,
Ed. E. Walker,
Geo. Wilhelmi,
J. W. Wright—16

Those who voted for Chas. K. Wheeler were—

J. Wheeler Campbell,

Those who voted for John B. Castleman were—

Albert H. Charlton,

Those who vote for John L. Dodd were—

H. S. McNutt,

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

A. A. Allphin,
Robert H. Anderson,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
J. H. Jackson,
W. F. Klair,
E. W. Lillard,
Hugh Mahin,
W. H. Shanks,
Robert C. Simmons,
John L. Smith,
John S. Steers,
J. W. Stump,
J. A. Sullivan,

O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
J. Will Clay,
Dr. C. F. Crecelius,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
F. E. Graves,
W. W. Hopkins,
W. C. McChord,
Duncan Milliken,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
Gus W. Richardson,
H. A Schoberth,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson,
J. Hal. Woodford,
Speaker Gooch—48

Those who voted for W. O. Bradley were—

O. P. Applegate,
F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
C. C. Chase,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
John T. Davis,
W. A. B. Davis,
Thurman B. Dixon,
J. A. Duff,
John Feland,
Thos. E. Finley,
S. L. Givan,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
T. C. Jackson,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
Emanuel Meyer,
H. L. Meyers,
Garfield Moore,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
G. L. Perryman,
R. S. Rector,
Isaac G. Rice,
John T. Shanklin,
J. A. Sloan,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
D. P. Taggart,
John P. Wallace,
Harry Weitkamp,
W. C. Wynn—48

Those who voted for J. Wheeler Campbell were—

Virgil McKnight,

Those who voted for David W. Baird were—

Chris. Mueller,

In summing up the vote of the joint assembly it was found to stand as follows:

Senators—

For J. C. W. Beckham	19 votes.
For William O. Bradley	16 votes.
For Chas. K. Wheeler	1 vote.
For John B. Castleman	1 vote.
For John L. Dodd	1 vote.

Representatives—

For J. C. W. Beckham	48 votes.
For William O. Bradley	48 votes.
For J. Wheeler Campbell	1 vote.
For David W. Baird	1 vote.
Total number of votes cast	136

No one having received the majority of the vote of the joint assembly, a majority of all the members elected to both Houses being present and voting, Hon. W. J. Gooch, Speaker of the House of Representatives, presiding over the joint assembly, declared that no election had been had, and that the joint assembly would proceed to take a second joint ballot in the further execution of the laws and for the purpose aforesaid.

Senator Rives moved that the joint assembly do now dissolve until tomorrow at 12 o'clock, meridian.

Said motion was agreed to.

The Senators retired to the Senate Chamber, and the Speaker called the House to order.

And then the House adjourned.

THURSDAY, JANUARY 16, 1908.

The House was opened with prayer by Rev. Wm. Crowe, of the Presbyterian Church, Southern Assembly.

The reading of the Journal of yesterday's proceedings was dispensed with.

The Speaker announced his appointment of the standing committees of the House as follows, viz:

Standing Committees of the House of Representatives. 1908.

Agriculture—Hugh Mahin, Chairman; E. E. Wash, J. B. Swann, W. J. Jackson, W. M. Thompson, G. T. Reynolds, C. S. Templeman, W. C. McChord, C. C. Patrick.

Appropriations.—E. E. Wash, Chairman; P. W. Berkshire, C. F. Crecelius, Robert Enlow, E. W. Lillard, Jno. S. Steers, T. B. Dixon, W. H. Jones, Emanuel Meyer.

Banks and Banking.—J. Hal. Woodford, Chairman; W. R. Whitlow, E. E. Wash, J. A. Sullivan, Hugh Mahin, G. T. Reynolds, R. D. Hunter, T. C. Jackson, O. P. Applegate.

Charitable Institutions.—Gus. W. Richardson, Chairman; J. F. Porter, O. H. Brooks, W. J. Jackson, Elliott B. Beard, A. C. Oliver, W. F. Edmunds, John Feland, S. L. Givan.

Classification of Cities and Towns.—W. F. Edmunds, Chairman, J. W. Berkshire, Gus. W. Richardson, E. E. Wash, W. H. Shanks, J. P. Wallace, I. G. Rice, W. S. Markolf, T. E. Finley.

Cities of the Fourth, Fifth and Sixth Classes.—O. H. Brooks, Chairman; W. V. Perry, J. F. Nichols, Jno. L. Smith, J. F. Porter, H. A. Schoberth, W. H. Strange, T. B. Dixon, Harry Weitkamp.

Court of Appeals.—Eugene W. Tandy, Chairman; H. A. Shoberth, W. C. McChord, J. A. Sullivan, J. T. Buford, W. C. Wynn, I. G. Rice, T. B. Dixon, D. B. Cornett.

Claims.—A. A. Allphine, Chairman; J. F. Nichols, C. S. Templeman, Eugene W. Tandy, Hugh Mahin, W. H. Isaacs, R. L. Harris, H. H. Denham, W. A. B. Davis.

Constitutional Amendments.—J. F. Nichols, Chairman; W. C. McChord, Jno. C. Pirtle, W. M. Thompson, J. Hal. Woodford, Sam J. Patrick, S. L. Givan, T. C. Jackson, D. B. Cornett.

County and City Courts.—F. E. Graves, Chairman; J. H. Jackson, W. F. Edmunds, P. W. Berkshire, J. C. Pirtle, C. F. Crecelius, J. F. Porter, Sam J. Patrick, R. L. Gwathmey.

Corporate Institutions.—Geo. S. Wilson, Chairman; Virgil McKnight, J. Will Clay, F. J. Brown, Gus W. Richardson, Eugene W. Tandy, C. F. Crecelius, A. A. Allphin, H. K. Cole.

Codes of Practice.—W. V. Perry, Chairman; W. H. Shanks, J. F. Nichols, Virgil McKnight, Wm. E. Dowling, Jno. Feland, J. P. Wallace, Jno. J. Haswell, Jr., C. W. G. Hannah.

Commerce and Manufactures.—W. R. Whitlow, Chairman; J. Will Clay, Jno. S. Steers, A. A. Allphin, D. P. Taggart, W. S. Markolf, R. L. Harris, C. C. Chase, R. F. Hutchinson.

Criminal Law.—H. A. Schoberth, Chairman; J. T. Buford, F. M. Hutcheson, Jr., J. H. Jackson, F. J. Brown, C. W. G. Hannah, R. L. Gwathmey, W. H. Strange, Sawyer A. Smith.

Circuit Courts.—Louis W. Arnett, Chairman; Duncan Milliken, H. A. Schobert, W. C. McChord, Eugene W. Tandy, H. Weitkamp, D. B. Cornett, Cleves G. Kinkead, I. G. Rice.

Education No. 1.—Jno. C. Pirtle, Chairman; J. H. Jackson, W. J. Jackson, J. T. Buford, Jno. S. Steers, Jasper D. Lowder, C. C. Chase, Garfield Moore, C. W. G. Hannah.

Education No. 2.—J. H. Jackson, Chairman; J. Will Clay, E. B. Beard, W. F. Klair, A. C. Oliver, Louis W. Arnett, W. A. Cope, W. H. Strange, D. P. Taggart.

Executive Affairs.—W. M. Thompson, Chairman; Geo. C. Waggoner, Eugene W. Tandy, W. A. B. Davis, G. W. Parrott, T. E. Finley, Jno. T. Davis, F. P. Blair, O. P. Applegate.

Federal Relations.—J. W. Birkshire, Chairman; C. F. Crecelius, J. W. Stump, R. E. Stewart, Garfield Moore, A. T. Lee, Jno. Feland, J. B. Maynard, W. A. Cope.

Fish, Game and Forestry.—Virgil McKnight, Chairman; W. F. Edmunds, W. W. Hopkins, A. C. Oliver, J. A. Duff, J. T. Shanklin, W. A. Cope, John P. Haswell, Jr., J. A. Sloan.

Geological Survey.—G. C. Waggoner, Chairman; F. M. Hutcheson, Jr., J. W. Stump, J. W. Berkshire, J. Hal. Woodford, Sam. J. Patrick, W. L. Kimbrough, W. H. Jones, W. N. Brown, Jr.

Immigration and Labor.—A. C. Oliver, Chairman; W. W. Hopkins, W. M. Thompson, J. W. Stump, Geo. C. Waggoner, Cleves G. Kinkead, T. E. Finley, O. P. Applegate, J. A. Sloan.

Insurance.—E. B. Beard, Chairman; C. F. Crecelius, Geo. S. Wilson, C. S. Templeman, R. C. Simmons, J. T. Buford, H. K. Cole, W. N. Brown, Jr., Cleves G. Kinkead.

Internal Improvements.— P. W. Berkshire, Chairman; F. M. Hutcheson, Jr., W. J. Jackson, J. W. Berkshire, Duncan Milliken, W. S. Markolf, G. L. Perryman, Jno. T. Shanklin, Garfield Moore.

Judiciary.—R. C. Simmons, Chairman; E. B. Beard, J. A. Sullivan, W. V. Perry, W. H. Shanks, Geo. S. Wilson, F. E. Graves, Jno. Feland, Jno. P. Haswell, Jr.

Kentucky Statutes.—Wm. E. Dowling, Chairman; Louis W. Arnett, W. C. McChord, O. H. Brooks, Duncan Milliken, Virgil McKnight, Eugene W. Tandy, Sawyer A. Smith, T. E. Finley.

Land Titles.—W. W. Hopkins, Chairman; J. F. Nichols, A. C. Oliver, R. D. Hunter, G. T. Reynolds, W. H. Isaacs, R. F. Hutchinson, Sawyer A. Smith, D. B. Cornett.

Legislative Accounts.—G. T. Reynolds, Chairman; R. H. Anderson, O. H. Brooks, Chris Mueller, J. T. Buford, W. L. Kimbrough, H. H. Denham, Albert Butler, W. N. Brown, Jr.

Library and Public Offices.—J. W. Stump, Chairman; J. H. Jackson, Robert Enlow, J. B. Swann, J. S. Steers, A. T. Lee, S. L. Givan, C. C. Chase, T. C. Jackson.

Military Affairs.—E. W. Lillard, Chairman; W. H. Shanks, Hugh Mahin, Chris Mueller, Wm. E. Dowling, Emanuel Meyer, R. L. Harris, Jasper D. Lowder, F. P. Blair.

Mines and Mining.—J. F. Porter, Chairman; W. W. Hopkins, Geo. S. Wilson, F. M. Hutcheson, Jr., Virgil McKnight, D. P. Taggart, W. H. Isaacs, Albert Butler, Sawyer A. Smith.

Municipalities—W. F. Klair, Chairman; Chris Mueller, L. W. Arnett, R. H. Anderson, F. E. Graves, Duncan Milliken, O. P. Applegate, H. K. Cole, Emanuel Meyer.

Propositions and Grievances—J. B. Swann, Chairman; C. S. Templeman, R. S. Rector, Jasper D. Lowder, R. E. Stewart, A. T. Knox, R. F. Hutchinson, J. A. Duff, C. W. G. Hannah.

Printing—F. M. Hutcheson, Jr., Chairman; E. W. Lillard, W. V. Perry, Jno. L. Smith, A. C. Oliver, R. H. Anderson, H. L. Meyers, J. T. Davis, W. N. Brown, Jr.

Public Health—Dr. C. F. Crecelius, Chairman; O. H. Brooks, E. W. Lillard, F. E. Graves, Dr. A. T. Knox, Jas. A. Duff, J. B. Maynard, J. A. Sloan, S. L. Givan.

Public Morals—Robert Enlow, Chairman; G. C. Waggoner, W. F. Edmunds, J. W. Berkshire, J. S. Steers, J. B. Swann, R. D. Hunter, W. H. Jones, Harry Weitkamp.

Public Monuments and Historical Records—Frank J. Brown, Chairman; F. E. Graves, R. D. Hunter, W. F. Klair, E. W. Lillard, H. L. Myers, A. T. Knox, J. B. Maynard, J. A. Duff.

Public Warehouses and Graneries—J. Will Clay, Chairman; J. Hal Woodford, W. W. Hopkins, R. H. Anderson, A. A. Alphin, A. T. Knox, R. L. Gwathmey, C. C. Patrick, F. P. Blair.

Railroads—Chris Mueller, Chairman; Robt. Enlow, W. R. Whitlow, Louis W. Arnett, W. F. Klair, Gus W. Richardson, J. F. Nichols, E. B. Beard, C. C. Chase.

Revenue and Taxation—W. C. McChord, Chairman; R. C. Simmons, Gus W. Richardson, W. V. Perry, Robt. Enlow, Chris Mueller, J. C. Pirtle, C. C. Patrick, W. C. Wynn.

Retrenchment and Reform—W. J. Jackson, Chairman; Jno. C. Pirtle, E. E. Wash, W. R. Whitlow, W. L. Kimbrough, H. H. Denham, Albert Butler, R. S. Rector, H. K. Cole.

Redistricting—Duncan Milliken, Chairman; W. E. Dowling, J. L. Smith, J. W. Stump, R. H. Anderson, J. W. Berkshire, R. D. Hunter, R. E. Stewart, Sawyer A. Smith.

Rules—W. J. Gooch, Ex-Officio Chairman; W. F. Klair, Louis W. Arnett, Geo. S. Wilson, J. Will Clay, J. A. Sullivan, J. F. Porter, W. H. Shanks, E. B. Beard.

Sinking Fund—C. S. Templeman, Chairman; A. A. Allphin, W. E. Dowling, J. C. Pirtle, A. T. Lee, W. A. Cope, F. P. Blair, W. L. Kimbrough, T. C. Jackson.

State College and State Normal Schools—J A. Sullivan, Chairman; Duncan Milliken, W. F. Klair, F. M. Hutcheson, Jr., J. L. Smith, J. P. Wallace, G. L. Perryman, John P. Haswell, Jr., Samuel J. Patrick.

State Capitol—J. T. Buford, Chairman; H. A. Schoberth, J. Will Clay, R. C. Simmons, W. E. Dowling, G. C. Waggoner, Cleves G. Kinkead, A. T. Lee, J. T. Davis.

State Fair—R. H. Anderson, Chairman; J. Hal Woodford, W. R. Whitlow, Frank J. Brown, Louis W. Arnett, Hugh Mahin, J. W. Stump, Emanuel Meyer, Harry Weitkamp.

Suffrage and Election—W. H. Shanks, Chairman; R. C. Simmons, J. F. Porter, W. F. Edmunds, P. W. Berkshire, F. E. Graves, R. S. Rector, R. L. Gwathmey, T. B. Dixon.

State Prisons and Houses of Reform—J. L. Smith, Chairman; Geo. S. Wilson, H. A. Schoberth, J. B. Swann, F. J. Brown, G. C. Waggoner, W. M. Thompson, W. A. B. Davis, W. H. Jones.

Ways and Means—R. D. Hunter, Chairman; M. V. Perry, G. T. Reynolds, W. H. Thompson, J. B. Swann, G. W. Parrott, G. L. Perryman, Jno. T. Shanklin, W. C. Wynn.

Enrollments—Jno. S. Steers, Chairman; P. W. Berkshire, E. W. Lillard, H. L. Myers, W. H. Isaacs.

Upon the call of counties and Representative districts bills were introduced and referred as follows, viz:

By Mr. Dixon:

H. B. 1. An act to amend Section 1896, Chapter 53, Kentucky Statutes.

Referred to Committee on Fish, Game and Forestry.

By same:

H. B. 2. An act to repeal an act entitled "An Act to promote the sheep industry and provide a tax on dogs."

Referred to Committee on Revenue and Taxation.

By same:

H. B. 3. An act to amend Section 354 of the Kentucky Statutes and adding sub-section 6 thereto.

Referred to Committee on Kentucky Statutes.

By Mr. Dowling.

H. B. 4. An act to further regulate the sale of spirituous, vinous and malt liquors.

Referred to Committee on Kentucky Statutes.

By Mr. Nichols:

H. B. 5. An act to establish and regulate the maximum rate of charges for transportation of passengers by corporations or companies operating or controlling railroads in part or in whole in this State, and to provide a penalty for the violation of the provisions thereof and repealing all acts and parts of acts in conflict herewith.

Referred to Committee on Railroads.

By same:

H. B. 6. An act relating to the telegraph and telephone operators and train dispatchers in the State of Kentucky, providing an age limit of such operators with penalty thereof.

Referred to Committee on Corporate Institutions.

By same:

H. B. 7. An act relating to telegraph and telephone operators and train dispatchers, in the State of Kentucky, and providing an eight-hour day for such laborers with penalty for violation thereof.

Referred to Committee on Corporate Institutions.

By Mr. Lillard:

H. B. 8. An act amending sub-section No 7, of Section 57 of the Civil Code of Practice.

Referred to Committee on Codes of Practice.

By Mr. Haswell:

H. B. 9. An act to amend Chapter 21 of the acts of 1906 entitled, an act to amend Section 2560 of the Kentucky Statutes, it being a portion of Article 1 of Chapter 81, of the Kentucky Statutes entitled, "Liquors, Intoxicating."

Referred to Committee on Kentucky Statutes.

By same:

H. B. 10. An act to amend an act, entitled "An act to amend an act entitled an act to regulate elections in this Commonwealth, approved June 30, 1892," which became a law February 11, 1904.

Referred to Committee on Suffrages.

By same:

H. B. 11. An act to provide necessary clerical services for the Library of the Commonwealth.

Referred to Committee on Library and Public Affairs.

By same:

H. B. 12. An act relating to amendments of Section 170 of the Constitution relating to property exemption from taxation.

Referred to Committee on Constitutional Amendments.

By Mr. Applegate:

H. B. 13. An act to re-enact sub-section 4, of Section 1, Article 4, of an act entitled: "An act for the Government of cities of the Second Class in the Commonwealth of Kentucky," approved March 19, 1894, said sub-section being sub-section 4, of Section 3058, Kentucky Statutes, 1903.

Referred to Committee on Municipalities.

By Mr. Weitkamp:

H. B. 14. An act to amend and re-enact Chapter 57, Section 1941, of the Kentucky Statutes, protecting wild geese, teal and wild duck.

Referred to Committee on Fish, Game and Forestry.

By same:

H. B. 15. An act to authorize fiduciaries giving fidelity insurance companies as bondsmen to pay for said bonds out of the estate in their charge.

Referred to Committee on Judiciary.

By same:

H. B. 16. An act to amend Sections 528, 533, 537 and 1739, of the Kentucky Statutes, relating to the duties of Coroner.

Referred to Committee on Kentucky Statutes.

By Mr. Sloan:

H. B. 17. An act to repeal an act entitled "An act to amend an act entitled an act to regulate elections in this Commonwealth, approved February 11, 1904.

Referred to Committee on Suffrage and Elections.

By same:

H. B. 18. An act to repeal an act entitled "An act to promote the sheep industry and provide a tax on dogs." Approved March 1, 1906.

Referred to the Committee on Agriculture.

By Mr. Cole:

H. B. 19. An act to amend an act entitled "An act to regulate burial associations, corporations and companies doing business in Kentucky."

Referred to Committee on Corporate Institutions.

By Mr. C. C. Patrick:

H. B. 20. An act to amend Section 285 of Article 1 of an act entitled "An act relating to Revenue and Taxation," approved March 15, 1906.

Referred to Committee on Revenue and Taxation.

By Mr. Klair:

H. B. 21. An act to provide for the care, custody and maintenance of court houses and court rooms and offices therein and public grounds and adjacent thereto in counties having therein Circuit Courts of Continuous session.

Referred to Committee on Municipalities.

By same:

H. B. 22. An act providing for the creation, control and disposition of a fund to be used, under certain conditions, pensioning policemen and the families of deceased policemen in cities of the Second Class.

Referred to the Committee on Municipalities.

By same:

H. B. 23. An act for the protection of owners and keepers of hotels, inns, restaurants, boarding and eating houses, creating liens on certain property and providing for the enforcement of provisions hereof and limiting the liability of hotel keepers and for sale of unclaimed baggage.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 24. An act designating the Blue Grass as the State Flower.

Referred to Committee on Federal Relations.

By same:

H. B. 25. An act to provide for the locating, election, organization and management in Kentucky of a State Sanitorium for the care and treatment of tuberculosis, and making the appropriation for the purchase of the necessary land and the construction and equipment of necessary buildings, and making an appropriation for the maintenance of the Sanitorium.

Referred to Committee on Public Health.

By same:

H. B. 26. An act to change the name of the Agricultural and Mechanical College of Kentucky to "State University, Lexington, Kentucky," and to amend parts of the laws with reference to said college and to make the whole apply to said University.

Referred to Committee on State College and State Normal Schools.

By same:

H. B. 27. An act to repeal Section 3210 of the Kentucky Statutes, Carroll's edition of 1903; and to amend and re-enact Section 3210-13 of said Statutes as Section 3210 thereof, relating to free public libraries in cities of the Second and Third Class, and prescribing the conditions upon which such free public libraries shall receive a part of the fines and costs collected in the Police Courts of such cities.

Referred to Committee on Municipalities.

By Mr. Hopkins:

H. B. 28. An act to establish a road fund and to repeal an act entitled "An act to promote the sheep industry and provide a tax on dogs."

Referred to the Committee on Agriculture.

By same:

H. B. 29. An act to amend section 14 of an act entitled "An act concerning attorneys at law, attorney general, attorney for the Commonwealth, and attorneys for counties," approved October 10, 1892.

Referred to the Committee on Judiciary.

By Mr. Buford:

H. B. 30. An act for the benefit of the new State Capitol and appropriating money for necessary improvements for said building and Capitol grounds.

Referred to Committee on State Capitol.

By same:

H. B. 31. An act to appropriate $50,000 for the purpose of purchasing a site and building an executive mansion and to provide for heating and lighting the same.

Referred to Committee on State Capitol.

By same:

H. B. 32. An act defining the crime of abortion and prescribing a penalty therefor.

Referred to Committee on Criminal Law.

By same:

H. B. 33. An act to amend Section 3915 of the Kentucky Statutes entitled, pools, trusts and conspiracies.

Referred to Committee on Judiciary.

By Mr. Brooks:

H. B. 34. An act to amend an act entitled an act creating and establishing a Board of Commissioners to be known as the Kentucky State Board of Control for Charitable Institutions and prescribing its duties and powers, approved March 9, 1906.

Referred to Committee on Charitable Institutions.

By same:

H. B. 35. An act to repeal Section 4031 of the Kentucky Statutes compiled and edited by John D. Carroll and providing a substitute therefor, said section, being a part of Article 1, Chapter 110 of the Kentucky Statutes, entitled Roads and Passways.

Referred to Committee on Internal Improvements.

By same:

H. B. 36. An act amending an act entitled "An act for the government of cities of the fourth class," and approved June 28, 1893.

Referred to Committee on Cities of the Fourth, Fifth and Sixth Classes.

Mr. Pirtle:

H. B. 37. An act, relating to the collection of taxes.

Referred to Committee on Revenue and Taxation.

By same:

H. B. 38. An act relating to registration amending Section 1486, of the Kentucky Statutes, by striking out the words: "Fifth and Sixth."

Referred to Committee on Suffrage and Elections.

By Mr. Strange:

H. B. 39. An act to repeal an act entitled an act to amend an act entitled an act to regulate elections in this Commonwealth.

Referred to Committee on Suffrage and Elections.

By Mr. Hutcheson:

H. B. 40. An act relating to financial statements in the cities of the Third Class.

Referred to Committee on Printing.

By same:

H. B. 41. An act to amend an act entitled "An act relating to revenue and taxation," approved March 15, 1906.

Referred to Committee on Revenue and Taxation.

By Mr. Waggoner:

H. B. 42. An act to amend Chapter 52, Section 1840, Kentucky Statutes.

Referred to Committee on County and City Courts.

By same:

H. B. 43. An act to fix and regulate the fees of jailers.

Referred to Committee on County and City Courts.

By same:

H. B. 44. An act to amend an act entitled an act for the benefit of the Kentucky Children's Home Society.

Referred to the Committee on Charitable Institutions.

By same:

H. B. 45. An act to amend Section 3681, of Chapter 89, of Kentucky Statutes.

Referred to Committee on Cities of the Fourth, Fifth and Sixth Classes.

By same:

H. B. 46. An act to prevent the playing of base ball, townball, foot ball and other similar games on Sunday.

Referred to Committee on Public Morals.

By same:

H. B. 47. An act to prohibit the use of Paris green, or other poisons on growing tobacco and to regulate the sale of Paris green, for the years 1908 and 1909.

Referred to the Committee on Agriculture.

By Mr. Finley:

H. B. 48. An act to promote the sheep industry and provide for fixing the liability of owners of dogs.

Referred to Committee on Agriculture.

By Mr. Gwathmey:

H. B. 49. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.

Referred to Committee on Municipalities.

By Mr. Gwathmey:

H. B. 50. An act to amend an act entitled "An act to continue in force drainage systems established and operated by drainage corporations heretofore in many of the counties of Kentucky, this act to be Section 2417a of the Kentucky Statutes," and being Chapter 151 of the Acts of 1906.

Referred to Committee on Internal Improvements.

By Mr. Markolf:

H. B. 51. An act to prohibit contracts and agreements for the sale of future delivery of cotton, grain, provisions and other commodities, stocks, bonds and other securities upon margins, commonly known as dealing in futures, etc.

Referred to Committee on Criminal Law.

By Mr. Kinkead:

H. B. 52. An act to amend an act entitled "An act concerning office and officers," approved May 16, 1893, being Sections 3751 and 3752 of the Kentucky Statutes.

Referred to Committee on Judiciary.

By same:

H. B. 53. An act relating to bonds of public officials, and other bonds required by law.

Referred to Committee on Judiciary.

By same:

H. B. 54. An act to amend Section 2094 of the Kentucky Statutes and to fix a penal sum for the bonds of tax receivers of cities of the First Class.

Referred to Committee on Judiciary.

By same:

H. B. 55. An act to amend Section 2902 of the Kentucky Statutes and to fix a penal sum for the bonds of treasurers of cities of the First Class.

Referred to Committee on Judiciary.

By same:

H. B. 56. An act to amend an act entitled "An act for the government of cities of the first class," approved July —, 1893.

Referred to Committee on Municipalities.

By same:

H. B. 57. An act to amend and re-enact Section 576 of Chapter 32 of the Kentucky Statutes entitled "Corporations-Private," by permitting the abbreviation of the word incorporated, when used in conjunction with the corporate name and to permit it to be printed and used in conjunction with the name instead of requiring it to be printed immediately under the name as heretofore exacted.

Referred to Committee on Corporate Institutions.

By same:

H. B. 58. An act to amend Section 246 of the Kentucky Statutes, being a portion of Chapter 36, subdivision of title "Offenses Against Property."

Referred to Committee on Criminal Law.

By same:

H. B. 59. An act to appropriate money to erect monument at Shiloh National Military Park.

Referred to the Committee on Public Monuments and Historical Records.

By same:

H. B. 60. An act to protect song and water birds and squirrels in and near parks in cities of First Class.

Referred to Committee on Fish, Game and Forestry.

By Mr. Harris:

H. B. 61. An act relating to the limitation of the hours of daily service of laborers and mechanics upon the public works of the State of Kentucky.

Referred to Committee on Immigration and Labor.

By Mr. Emanuel Meyer:

H. B. 62. An act to regulate and provide for the sale, assignment, surrender, release, pledge or mortgage of wages, pay, salary, commission of compensation due any person by an individual, firm, association or corporation and require the same to be in writing and to require any waiver of exemptions allowed by law to be in writing and require any waiver of exemptions allowed by law to be acknowledged and making it unlawful to fill in the names or dates or other blanks in any such writing after the same has been signed and delivered by the person executing the same, and providing penalties for the violation of this provision.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 63. An act to amend and re-enact Section 3025, of the Kentucky Statutes edited by John D. Carroll, edition, 1903.

Referred to Committee on Revenue and Taxation.

By same:

H. B. 64. An act to promote and compel attendance of children in schools and to prevent truancy in cities of the First, Second, Third and Fourth Class, and to enable Boards of Education or Board of School Trustees of cities of First and Second Class to establish and maintain parental or truant schools, for the care of and discipline of truant children, and for the purpose of reducing truancy.

Referred to Committee on Education No. 1.

By Mr. Wallace:

H. B. 65. An act to amend Section 2773, of the Kentucky Statutes being a portion of Chapter 89, entitled Municipal Corporations.

Referred to Committee on Municipalities.

By Mr. Rice:

H. B. 66. An act to repeal an act entitled "An act to authorize the organization and maintenance of a graded free school in common school district No. 3, in Johnson County" and approved by the Governor on March 29, 1888.

Referred to Committee on Education No. 1.

By same:

H. B. 67. An act to repeal an act entitled "An act to promote the sheep industry and to provide a tax on dogs" and approved on March 17, 1906.

Referred to Committee on Agriculture.

By Mr. Simmons:

H. B. 68. An act further regulating the liability of common carriers doing business in this State, to their employes for injuries sustained by such employes while in the performance of their duties to such.

Referred to Committee on Judiciary.

By same:

H. B. 69. An act to prevent the operation of pool rooms in the Commonwealth of Kentucky.

Referred to Committee on State Fair.

By same:

H. B. 70. An act to eradicate tuberculosis and other diseases from the dairy cattle of the State, etc.

Referred to Committee on Agriculture.

By same:

H. B. 71. An act qualifying the risks to be deemed as assumed by employees.

Referred to Committee on Judiciary.

By same:

H. B. 72. An act to prevent the continuation of public nuisances.

Referred to Committee on Judiciary.

By same:

H. B. 73. An act to amend Section 1459, Kentucky Statutes, relating to elections.

Referred to Committee on Suffrage and Elections.

By same:

H. B. 75. An act to provide for party nominations by direct vote.

Referred to Committee on Suffrage and Elections.

By same:

H. B. 75. An act to amend Section 3646 Kentucky Statutes.

Referred to Committee on Cities of Fourth, Fifth and Sixth Classes.

By same:

H. B. 76. An act to amend an act approved March 13, 1906, entitled "An act to amend an act entitled "An act for the government of cities of the Second Class in the Commonwealth of Kentucky, approved March 19, 1894."

Referred to Committee on Cities of Fourth, Fifth and Sixth Classes.

By Mr. Arnett:

H. B. 77. An act to define and regulate the assessment of stock in corporations, incorporated under the laws of Kentucky, and of other States and territories of the United States.

Referred to Committee on Revenue and Taxation.

By same:

H. B. 78. An act for the protection of life and property against loss or damage from the operation of steam boilers in this State in cities of the First, Second, Third and Fourth classes, and to provide for the inspection of steam boilers and to create the office of State Steam Boiler Inspector.

Referred to Committee on Mines and Mining.

By same:

H. B. 79. An act to limit racing on race tracks or courses.

Referred to Committee on State Fair.

By same:

H. B. 80. An act providing for an appeal to the Court of Appeals in proceedings for a writ of habeas corpus.

Referred to Committee on Judiciary.

By same:

H. B. 81. An act to amend Section 31, Article 8, of an act entitled

"An act relating to revenue and taxation," which became a law March 15, 1906.

Referred to Committee on Revenue and Taxation.

By same:

H. B. 82. An act to amend and re-enact sub-section 7, of Section 1019-a of Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 83. An act to amend Section 2 of an act entitled "An act to regulate burial associations, corporations and companies doing business in the State of Kentucky."

Referred to Committee on Corporate Institutions.

By Mr. Sawyer A. Smith.

H. B. 84. An act to amend Section 1304 Kentucky Statutes and thereby increase the penalty for carrying concealed deadly weapons.

Referred to Committee on Criminal Law.

By same:

H. B. 85. An act to provide for the appointment of an official stenographer in each Circuit Court District for the purpose of perpetuating the proceedings and testimony therein.

Referred to Committee on Circuit Courts.

By Mr. Enlow.

H. B. 86. An act to amend Section 1, Article 1, of an act entitled "Revenue and Taxation."

Referred to Committee on Revenue and Taxation.

By Mr. Shanks.

H. B. 87. An act changing the towns of Hustonville and Crab Orchard from the Fifth to the Sixth class.

Referred to Committee on Classification of Cities and Towns.

By same:

H. B. 88. An act to amend and re-enact Section 4338 and 932 whereby it is made clear whether the sheriff should pay the road tax to the county treasurer in those counties that have a treasurer.

Referred to Committee on County and City Courts.

By Mr. John L. Smith.

H. B. 89. An act governing agents of Railroad Companies and other common carriers in issuing bills of lading.

Referred to Committee on Railroads.

By same:

H. B. 90. An act relating to financial statements of cities of the Fifth class.

Referred to Committee on Cities of the Fourth, Fifth and Sixth Classes.

By Mr. Sullivan:

H. B. 91. An act to create a Board of State Bank Examiners, defining their removal and authorizing the examination of all banks, trust companies and combined banks and trust companies organized under the laws of the Commonwealth.

Referred to Committee on Banks and Banking.

By same:

H. B. 92. An act to amend an act approved March 21, 1906, en-

titled "An act to establish a system of State Normal Schools in Kentucky, etc."

Referred to Committee on State College and State Normal Schools.

By Mr. Graves:

H. B. 97. An act to amend so much of Section 965 of Kentucky Statutes as relates to the time of holding Courts in the Second Circuit Court Districts.

Referred to Committee on Circuit Courts.

H. B. 94. An act to regulate the practice of veterinary medicine, surgery and dentistry in the State of Kentucky, to establish a State Board of Veterinary medical examiners and to punish persons violating the provisions thereof.

Referred to Committtee on Public Health.

By Mr. Richardson:

H. B. 95. An act to amend an act entitled "An act relating to revenue and taxation" approved March 15, 1906.

Referred to Committee on Revenue and Taxation.

By same:

H. B. 96. An act to amend an act entitled "An act relating to revenue and taxation," approved March 15, 1906.

Referred to Committee on Revenue and Taxation.

By Mr. Oliver:

H. B. 97. An act to repeal an act entitled "An act to promote the sheep industry and provide a tax on dogs.

Referred to Committee on Agriculture.

By Mr. F. J. Brown:

H. B. 98. An act to provide for an annual school of county and city Health Officers and to provide for the conduct and expenses of same.

Referred to Committee on Public Health.

By Mr. J. H. Jackson:

H. B. 99. An act to amend Section 171 of the Constitution of Kentucky.

Referred to Committee on Constitutional Amendments.

By Mr. Crecelius:

H. B. 100. An act to carry into effect Section 198 of the Constitution of this State so as to prevent trusts and combinations from controlling tobacco markets of this State.

Referred to Committee on Agriculture.

By same:

H. B. 101. An act amending Section 3, of an act of the General Assembly of the Commonwealth of Kentucky, approved March 21, 1906, entitled "An act permitting persons to combine or pool their crops of wheat, tobacco and other products and sell same as a whole and making contracts in pursuance thereof, valid, being Chapter 117 of the acts of the General Assembly of the Commonwealth of Kentucky, for the year 1906.

Referred to Committee on Agriculture.

By Mr. Milliken.

H. B. 102. A bill to establish Central Bureau of Vital Statistics and to provide for the immediate registration of all births and deaths throughout the State of Kentucky by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to

the Central Bureau of Vital Statistics, as required to be established by the State Board of Health, to provide for the reporting of morbidity Statistics and to insure the thorough organization and efficiency of the registration of vital statistics throughout the State and making an appropriation for establishing and maintaining such a bureau and providing certain penalties.

Referred to Committee on Public Health.

By Mr. McChord:

H. B. 103. An act to prevent the sale or transfer of personal property where the possession is in one person and the title thereto is vested in another.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 104. An act to amend Section 547 Kentucky Statutes Insurance. Relates to liabilities of stockholders in corporations.

By same:

H. B. 105. An act to amend Sections 683 and 684, Kentucky Statutes.

Referred to Committee on Corporate Institutions.

By Mr. Porter:

H. B. 106. An act to amend an act entitled "An act to amend an act entitled an act to assign the cities and towns of this Commonwealth to the classes to which they belong," approved March 21, 1906.

Referred to Committee on Classification of Cities and Towns.

By same:

H. B. 107. An act to amend Section 20, Article 8, of an act entitled "An act relating to revenue and taxation," approved March 15, 1906.

Referred to Committee on Revenue and Taxation.

By same:

H. B. 108. An act to amend Section 4375, Kentucky Statutes, Carroll's Edition 1903.

Referred to Committee on Education No. 1.

By same:

H. B. 109. An act to amend an act entitled "An act relating to Revenue and Taxation" approved March 15, 1906.

Referred to Committee on Revenue and Taxation.

By same:

H. B. 110. An act to amend an act entitled "An act to amend an act entitled an act to regulate elections in this Commonwealth, approved June 30, 1902," which act was approved February 11, 1904.

Referred to Committee on Suffrage and Elections.

By same:

H. B. 111. An act to amend an act entitled "An act relating to revenue and taxation," approved March 15, 1906.

Referred to Committee on Revenue and Taxation.

By same:

H. B. 112. An act for the improvements of the public roads throughout the State.

Referred to Committee on Internal Improvements.

By Mr. Schoberth:

H. B. 113. An act further regulating the Insurance Department of Kentucky.

Referred to Committee on Insurance.

The hour of twelve o'clock, meridian, having arrived, the hour for the execution of the joint special order of the day, to-wit: the election of a Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the 4th day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided.

The members of the Senate of Kentucky in order entered upon the floor of the Hall of the House of Representatives, and in pursuance of a joint rule of the Senate and House of Representatives, Hon. W. J. Gooch, Speaker of the House of Representatives, presided over the joint assembly. Hon. W. H. Cox, Lieutenant and President of the Senate, having taken a seat on the left of the Speaker, the two Houses were in joint assembly, the same being composed of a majority of all members elected to both Houses of the General Assembly.

The roll was called, and the following Senators and Representatives answered to their names, viz.:

In the Senate—

Joe F. Bosworth,
R. B. Brown,
A. R. Burnam,
J. Wheeler Campbell,
Albert H. Charlton,
J. P. Chinn,
Thos. A. Combs,
Nat. C. Cureton,
J. A. Donaldson,
C. B. Ecton,
B. C. Grigsby,
O. P. Hogan,
R. L. Hubble,
G. T. Jarvis,
Ben F. Landrum,
Conn Linn,
P. S. Maxwell,
H. S. McNutt,
L. C. Nell,
J. W. Newman,
A. J. Oliver,
R. W. Owen,
Sam H. Peters,
E. K. Renaker,
Frank Rives,
Benjamin Sewell,
Hillard H. Smith,
John L. Smith,
W. W. Tabb,
E. M. Taylor,
G. A. Taylor,
John L. Vice,
Ed. E. Walker,
J. J. Watkins,
M. G. Watson,
Geo. Wilhelmi,
J. W. Wright,
G. T. Wyatt,—38

In the House of Representatives—

A. A. Allphin,
Robt. H. Anderson,
O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
John Feland,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
J. P. Haswell, Jr.
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Virgil McKnight,
Emanuel Meyer,
H. L. Meyers,
Duncan Milliken,
Garfield Moore,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
F. F. Porter,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford,
Speaker Gooch—98

The journals of yesterday of both Houses, pertaining to proceedings had in the joint assembly, were read and compared.

It appearing upon reading of the journals aforesaid that no one person had received a majority of all the votes of said joint assembly, a majority of all the members elected to both Houses being present and voting, the joint assembly proceeded, pursuant to take another, (the second) joint ballot in the election of a Senator in the Congress of the United States from the State of Kentucky, as aforesaid, which resulted as follows, viz.:

In the Senate—

Those who voted for J. C. W. Beckham were—

R. B. Brown,	Conn Linn,	Frank Rives,
J. P. Chinn,	P. S. Maxwell,	W. W. Tabb,
Thos. A. Combs,	J. W. Newman,	E. M. Taylor,
J. A. Donaldson,	R. W. Owen,	J. J. Watkins,
C. B. Ecton,	Sam H. Peters,	M. G. Watson,
O. P. Hogan,	E. K. Renaker,	G. T. Wyatt,—19
R. L. Hubbie,		

Those who voted for W. O. Bradley were—

Joe F. Bosworth,	L. C. Nell,	G. A. Taylor,
A. R. Burnam,	A. J. Oliver,	John L. Vice,
Nat. C. Cureton,	Benjamin Sewell,	Ed. E. Walker,
B. C. Grigsby,	Hillard H. Smith,	Geo. Wilhelmi,
G. T. Jarvis,	Jno. F. Smith,	J. W. Wright—16
Ben F. Landrum,		

Those who voted for Chas. K. Wheeler were—

J. Wheeler Campbell,

Those who voted for R. W. Knott were—

Albert H. Charlton,

Those who voted for John L. Dodd were—

H. S. McNutt,

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

A. A. Allphin,
Robt. H. Anderson,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
J. Will Clay,
Dr. C. F. Crecelius,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
F. E. Graves,
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
J. H. Jackson,
W. F. Klair,
Hugh Mahin,
W. C. McChord,
Duncan Milliken,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
Robert C. Simmons,
John L. Smith,
John S. Steers,
J W. Stump,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson,
J Hal. Woolford,
Speaker Gooch—47

Those who voted for Wm. O. Bradley were—

O. P. Applegate,
F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
C. C. Chase,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
John T. Davis,
W. A. B. Davis,
Thurman B. Dixon,
J. A. Duff,
John Feland,
Thos. E. Finley,
S. L. Givan,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
T. C. Jackson,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
Emanuel Meyer,
H. L. Myers,
Garfield Moore,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
G. L. Perryman,
R. S. Rector,
Isaac G. Rice,
John T. Shanklin,
J. A. Sloan,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
D. P. Taggart,
John P. Wallace,
Harry Weitkamp,
W. C. Wynn,—48

Those who voted for David W. Baird were—

Chris. Mueller,

Those who voted for James B. McCreary were—

Virgil McKnight,

In summing up the vote of the joint assembly it was found to stand thus:

For J. C. W. Beckham	66 votes.
For Wm. O. Bradley	64 votes.
For Chas. K. Wheeler	1 vote.
For Richard W. Knott	1 vote.
For John L. Dodd	1 vote.
For David W. Baird	1 vote.
For James B. McCreary	1 vote.
Total number of votes cast	135

No one person having received a majority of all the votes of the joint assembly, a majority of all the members elected to both Houses of the General Assembly being present and voting, the Speaker of the House, presiding, announced that no election was had.

Senator Hillard Smith moved that the joint assembly do now dissolve to meet again tomorrow at 12 o'clock, meridian.

Said motion was agreed to.

The Senators retired, and the Speaker called the House to order.

Mr. Sullivan offered the following resolution, viz.:

Whereas, Dr. P. P. Claxton, President of the University of Tennessee, who is a distinguished educator and an able, eloquent orator and has done much to promote the cause of universal education in the whole South, will be in the city of Frankfort on Friday, January 17, 1908;

And whereas, The people of Kentucky and all their Representatives here assembled feel a deep interest in the cause of education:

Be it resolved, That Dr. P. P. Claxton be and is invited to address the members of this House on Friday, January 17, 1908, at 11 o'clock in the hall of the House of Representatives, and that the members and officers of the Senate of Kentucky be invited to attend and be present on said occasion.

Which was agreed to.

Mr. Richardson moved that the House do now adjourn until tomorrow morning at 10:30 o'clock.

Said motion was agreed to.

FRIDAY, JANUARY 17, 1908.

The House was opened with prayer by Rev. William Crowe, of the Presbyterian Church, Southern Assembly.

The reading of the Journal of yesterday's proceedings was dispensed with.

Petitions of sundry citizens of their respective counties and representative districts, asking the enactment of a law requiring telegraph and telephone operators on railroads and train dispatchers to be at least twenty-one years of age, were presented by the following members, viz.:

By Mr. Haswell, of Breckenridge county.
By Mr. S. J. Patrick, of Magoffin county.
By Mr. Shanks of Lincoln county.
By Mr. Lillard, of Boyle county.
By Mr. Brooks, of Graves county.
By Mr. Rice, of Johnson county.
By Mr. Duff, of Ohio county.
By Mr. Hannah, of Greenup county.

By Mr. Finley, of Hopkins county.
By Mr. Moore, of Boyd and Lawrence counties.
By Mr. Blair, of Bath and Rowan counties.
By Mr. Nichols, of Carlisle and Ballard counties.
By Mr. Sawyer A. Smith, of Knox county.
By Mr. W. N. Brown, Jr., of Mercer county.
By Mr. Anderson, of Scott county.

Which were severally received, their reading dispensed with, and referred to the Committee on Corporate Institutions.

Mr. Waggoner presented the petition of sundry citizens of Henry county asking the enactment of a law prohibiting the use of Paris green on growing tobacco.

Which was received, the reading dispensed with, and referred to the Committee on Agriculture.

Mr. Rice presented the petition of sundry citizens of school district No. 3 of Johnson county, asking the repeal of an act chartering and providing for a graded school in said district.

Which was received, the reading dispensed with, and referred to the Committee on Education No. 1.

Mr. Richardson offered the following resolution, viz.:

Resolved, That the clerk be and he is hereby authorized to have printed in folder form 300 copies of the list of committees for the use of the House and Senate.

Which was adopted.

Pursuant to a resolution adopted on yesterday:

At 11 o'clock a. m. the House and members of the Senate listened to a very able and instructive address by Dr. P. P. Claxton, of the University of Tennessee.

At the conclusion of said address, to-wit: at 11:50 o'clock a. m., Mr. Richardson moved that a committee of two be appointed to notify the Senate that the House is ready to receive the members of the Senate in joint assembly for the purpose of executing the joint order of the day, to-wit: the election of a Senator in the Congress of the United States from the State of Kentucky to succeed Hon. James B. McCreary, whose term of office will expire on March 4, 1909, said joint special order being provided for by an act of Congress and the law of the State of Kentucky.

Said motion was agreed to.

The Speaker appointed Messrs. Richardson and Perry as said committee, who retired and afterwards reported that they had proceeded to the Senate Chamber, found the Senate not in session, and upon investigation ascertained that that body had adjourned until Monday next at 11:30 o'clock a. m.

Mr. Mueller moved that when the House adjourn today it be to meet again on next Monday, the 20th, and at 11:30 a. m.

Said motion was agreed to.

At 11:57 a. m.

Mr. Wilson moved that the House do now adjourn.

Said motion was agreed to.

MONDAY, JANUARY 20, 1908.

The House was opened with prayer by the Rev. Father T. M. Major, of the Roman Catholic Church.

Mr. H. H. Denham, Representative-elect from the counties of Metcalfe and Monroe, appeared at the Clerk's desk and took the oath of office as required by law and took his seat as a member of this House.

Mr. Hannah moved that the reading of the Journal of the proceedings of Friday last, the 17th inst., be dispensed with.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Wilson and Porter, were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	John P. Haswell, Jr.	G. L. Perryman,
Robt. H. Anderson,	W. W. Hopkins,	John C. Pirtle,
O. P. Applegate,	R. Dillard Hunter,	J. F. Porter,
Louis W. Arnett,	F. M. Hutcheson, Jr.	R. S. Rector,
Elliott B. Beard,	R. F. Hutchinson,	G. T. Reynolds.
J. W. Berkshire,	W. Harrison Isaacs,	Gus W. Richardson,
P. W. Berkshire,	J. H. Jackson,	H. A. Schoberth,
O. Houston Brooks,	W. J. Jackson,	W. H. Shanks,
Frank J. Brown,	T. C. Jackson,	John T. Shanklin,
W. N. Brown, Jr.	W. H. Jones,	J. A. Sloan,
J. T. Buford,	W. F. Klair,	John L. Smith,
Albert Butler,	W. L. Kimbrough,	Sawyer A. Smith,
W. A. Cope,	Cleves G. Kinkead,	John S. Steers,
Denver B. Cornett,	A. T. Knox,	R. E. Stewart,
Dr. C. F. Crecelius,	A. T. Lee,	W. H. Strange,
John T. Davis,	E. W. Lillard,	J. W. Stump,
W. A. B. Davis,	Jasper D. Lowder,	J. A. Sullivan,
Henry H. Denham,	J. B. Maynard,	J. B. Swann,
Thurman B. Dixon,	W. C. McChord,	D. P. Taggart,
Wm. E. Dowling,	Virgil McKnight,	C. S. Templeman,
J. A. Duff,	Emanuel Meyer,	Wm. M. Thompson,
W. F. Edmunds,	H. L. Myers,	Geo. C. Waggoner,
Robert Enlow,	Duncan Milliken,	John P. Wallace,
John Feland,	Garfield Moore,	E. E. Wash,
Thos. E. Finley,	Chris. Mueller,	Harry Weitkamp,
C. L. Givan,	Jesse F. Nichols,	W. R. Whitlow,
F. E. Graves,	G. W. Parrott,	W. C. Wynn
C. W. G. Hannah,	C. C. Patrick,	Geo. S. Wilson,
Robert L. Harris,	Samuel J. Patrick,	J. Hal. Woodford 89

The hour of 12 o'clock, meridian, having arrived, the hour for the execution of the joint special order of the day, to-wit: the election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary,

whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided.

Mr. Haswell moved that the House do now adjourn.

Said motion was agreed to.

TUESDAY, JANUARY 21, 1908.

The House was opened with prayer by Rev. W. E. Simms, of the Methodist Episcopal Church, South.

Mr. Hopkins moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

The yeas and nays being required threon by Messrs. Hannah and Harris were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	R. L. Gwathmey,	J. F. Porter,
Robert H. Anderson,	W. W. Hopkins,	R. S. Rector,
O. P. Applegate,	R. Dillard Hunter,	G. T. Reynolds,
Louis W. Arnett,	F. M. Hutcheson, Jr.	Isaac G. Rice,
Elliott B. Beard,	R. F. Hutchinson,	Gus W. Richardson,
J. W. Berkshire,	W. Harrison Isaacs,	H. A Schoberth,
P. W. Berkshire,	J. H. Jackson,	W. H. Shanks,
F. Pierce Blair,	W. J. Jackson,	Robert C. Simmons,
O. Houston Brooks,	T. C. Jackson,	J. A. Sloan,
Frank J. Brown,	W. H. Jones,	John L. Smith,
W. N. Brown, Jr.	W. F. Klair,	John S. Steers,
J. T. Buford,	Cleves G. Kinkead,	R. E. Stewart,
Albert Butler,	A. T. Knox,	W. H. Strange,
C. C. Chase,	A. T. Lee,	J. W. Stump,

J. Will Clay,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
Robert Enlow,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
E. W. Lillard,
Hugh Mahin,
J. B. Maynard,
W. C. McChord,
Duncan Milliken,
Garfield Moore,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford 82

Those who voted in the negative were—

H. K. Cole,
John Feland,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.
W. L. Kimbrough,
Jasper D. Lowder,
Wm. S. Markolf,
Virgil McKnight,
Emanuel Meyer,
H. L. Myers,
C. C. Patrick,
Samuel J. Patrick,
John T. Shanklin,
Sawyer A. Smith,
Harry Weitkamp 16

Petitions of sundry citizens of their respective counties and Representative districts, asking the enactment of a law requiring telegraph and telephone operators on railroads and train despatchers to be at least twenty-one years of age, were presented by the following members, viz.:

By Mr. Mahin, of Jessamine county.
By Mr. Jones, of Caldwell county.
By Mr. Beard, of Shelby county.
By Mr. Moore, of Lawrence county.
By Mr. Steers, of Grant county.
By Mr. Hannah, of Greenup county.
By Mr. John H. Jackson, of Owen county.
By Mr. Allphin, of Carroll and Gallatin counties.

By Mr. Klair, of Fayette county, second district.

By Mr. Duff, of Ohio county.

By Mr. John L. Smith, of Lyon and Marshall counties.

By Mr. Knox, of Estill and Powell counties.

By Mr. Givan, of Grayson county.

By Mr. Blair, of Bath and Rowan counties.

By Mr. Mueller, of the city of Louisville, fifty-fifth district,

By Mr. Wilson, of Union county.

By Mr. Pirtle, of Hardin county.

By Mr. R. F. Hutchinson, of Carter and Elliott counties.

Which were severally received, their reading dispensed with, and referred to the committee on Corporate Institutions.

A message was received from the Senate announcing that they had adopted a joint resolution of the following title, viz.:

Res. 2. Resolution providing for furnishing the Codes of Practice Kentucky Statutes, official manual, and copies of the Governor's Message.

Which was ordered to be printed and referred to the Committee on Rules.

Mr. Shanks moved that the House do now proceed to the Execution of the special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided.

Said motion was agreed to.

The Speaker announced that nominations for said offices were in order.

Mr. Porter named Hon. J. C. W. Beckham, of the county of Nelson, as a suitable person to fill said office.

Mr. Sawyer A. Smith named Hon. William O. Bradley, of the

county of Jefferson, as a suitable person to fill said office.

The House then proceeded to take the viva voce vote of the members present as between the persons named as above.

Which vote resulted as follows:

Those who voted for J. C. W. Beckham were—

A. A. Allphin,
Robt. H. Anderson,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
J. Will Clay,
Dr. C. F. Crecelius,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
F. E. Graves,
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
J. H. Jackson,
W. J. Jackson,
W. F. Klair,
Hugh Mahin,
W. C. McChord,
Duncan Milliken,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
John L. Smith,
John S. Steers,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson,
J. Hal. Woodford,
Speaker Gooch—47

Those who voted for Wm. O. Bradley were—

O. P. Applegate,
F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
J. A. Duff,
John Feland,
C. W. G. Hannah,
Robert L. Harris,
J. P. Haswell, Jr.
R. F. Hutchinson,
W. Harrison Isaacs
T. C. Jackson,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
Jasper D. Lowder,
Wm. S. Markolf,
Garfield Moore,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
G. L. Perryman,
R. S. Rector,
Isaac G. Rice,
John T. Shanklin,
J. A. Sloan,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
D. P. Taggart,

Thos. E. Finley,	J. B. Maynard,	John P. Wallace,
S. L. Givan,	Emanuel Meyer,	Harry Weitkamp,
R. L. Gwathmey,	H. L. Myers,	W. C. Wynn,—48

Those who voted for David W. Baird were—

Chris. Mueller,

Those who voted for James B. McCreary were—

E. W. Lillard, Virgil McKnight,

In summing up the vote it was found to stand as follows:

For J. C. W. Beckham	47 votes.
For William O. Bradley	48 votes.
For James B. McCreary	2 votes.
For David W. Baird	1 vote.
Total number of votes cast	98

Ordered, that the clerk spread said vote and result upon the journal of the House.

The following pairs were announced: Mr. Simmons with Mr. Chase, Mr. Simmons, if voting, would vote for Mr. Beckham, and Mr. Chase, if present and voting, would vote for Mr. Bradley.

Mr. McKnight offered the following resolution, viz.:

Resolved, That this House adjourn until tomorrow, except it shall meet at 12 o'clock for the purpose of hearing the Hon. W. J. Bryan only, and the Senate be notified of this action of the House.

Said resolution was agreed to.

The yeas and nays being required thereon by Messrs. Mueller and Hannah were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	Thos. E. Finley,	Samuel J. Patrick,
Robt. H. Anderson,	S. L. Givan,	W. V. Perry,
O. P. Applegate,	R. L. Gwathmey,	G. L. Perryman,

Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis.
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
John Feland,
C. W. G. Hannah,
J. P. Haswell, Jr.
R. Dillard Hunter,
R. F. Hutchinson,
W. Harrison Isaacs,
T. C. Jackson,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Virgil McKnight,
Emanuel Meyer,
H. L. Myers,
Garfield Moore,
Chris. Mueller,
C. C. Patrick,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
Gus W. Richardson,
W. H. Shanks,
John T. Shanklin,
J. A. Sloan,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
J. B. Swann,
D. P. Taggart,
C. S. Templeman,
Wm. M. Thompson,
John P. Wallace,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford,72

Those who voted in the negative were—

O. Houston Brooks,
Frank J. Brown,
F. E. Graves,
W. W. Hopkins,
F. M. Hutcheson, Jr.
J. H. Jackson,
W. J. Jackson,
Hugh Mahin,
Duncan Milliken,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
John C. Pirtle,
H. A Schoberth,
Robert C. Simmons,
John L. Smith,
John S. Steers,
J. W. Stump,
J. A. Sullivan,
Eugene W. Tandy,
Geo. C. Waggoner,
E. E. Wash,—22

And then the House adjourned.

The members of the House of Representatives and the members of the Senate then assembled in the hall of the House of Representatives and, in accordance with the resolution above adopted, the Hon. William Jennings Bryan, of Nebraska, after being presented to the

assembled legislators by Mr. Schoberth, delivered a very able, instructive and interesting address.

WEDNESDAY, JANUARY 22, 1908.

The House was opened with prayer by Rev. Father T. M. Major, of the Roman Catholic Church.

The reading of the Journal of yesterday's proceedings was dispensed with.

Petitions of sundry citizens of their respective counties and Representative districts, asking the enactment of a law requiring telegraph and telephone operators on railroads and train despatchers to be at least twenty-one years of age, were presented by the following members, to-wit:

By Mr. P. W. Berkshire, of Daviess county.
By Mr. Simmons, of Kenton county.
By Mr. Blair, of Bath and Rowan counties.
By Mr. Isaacs, of Pulaski county.
By Mr. Strange, of Hart county.

Which were severally received, their reading dispensed with, and referred to the committee on Corporate Institutions.

Mr. Klair moved that the use of the Hall of the House of Representatives be tendered to the Kentucky State Conference of Charities and Corrections in which to hold their sessions when the same is not in use by the House of Representatives.

Said motion was agreed to.

Mr. Dixon offered the following resolution, viz.:

Be it resolved, That this House commends and appreciates the courage, quick judgment and deliberate forethought of the Engineer

of the L. & N. train No. 18, which was wrecked on Monday, January 20th between Louisville and Frankfort, and congratulate ourselves that no member was killed.

Which was adopted.

Mr. McChord offered the following resolution as an amendment to the Rules of the House, viz.:

Amend Rule 2 as follows: Resolved that on and after Tuesday, January 28, 1908, there shall be two sessions of the House each day, the morning and afternoon session. The standing time of the morning session shall be 10 o'clock a. m. standard time and the time of adjournment shall be 1 o'clock p. m., and the standing time of meeting of the afternoon session shall be three o'clock p. m., and the time of adjournment shall be 5 o'clock p. m., except that on Monday the hour of meeting shall be 12 o'clock meridian. The afternoon session shall be devoted to receiving reports of committees and the consideration of and the passage of bills.

Mr. Arnett moved that said resolution be referred to the committee on Rules.

Said motion was agreed to.

Mr. Haswell, of the Board which was drawn and sworn to determine the contest of the right to a seat in this House from the county of Fayette of A. J. Gorham versus C. C. Patrick, offered the following report, viz.:

House of Representatives of Kentucky.

A. J. Gorham, contestant,

vs. Report of Board of Contest.

C. C. Patrick, Contestee.

We, the undersigned members of the Board which was duly selected and sworn to determine the above styled contest, respectfully report that it met on the afternoon of January 13, 1908, to consider the same. The contestant and his attorney, Wallace Muir, and the

contestee and his attorney, A. S. Moore, were present at said hearing and the Committee, after hearing the statements of counsel, considering the evidence in the case and being advised, unanimously finds and reports that the contestee, C. C. Patrick, was legally elected as a member of the House of Representatives from the sixty-first (61) Legislative district of Kentucky; that he was and is entitled to the certificate of election which was awarded to him, and that he is entitled to a seat in this body as such Representative.

Your committee further recommends that the contestant and contestee be each allowed the sum of one hundred and fifty dollars ($150.00) for Attorney's fees and expenses incurred.

John P. Haswell, Jr.
I. G. Rice.
R. L. Gwathmey.
G. L. Perryman.
G. T. Reynolds.
A. T. Lee.
Geo. W. Parrott.

Said report was received, ordered spread upon the journal and was agreed to.

Mr. Richardson moved that the rules be suspended and that the Clerk be directed to call the roll of counties and Representative districts for the introduction of bills.

Said motion was agreed to.

The yeas and nays being taken thereon, in accordance with the rules of the House, were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	F. M. Hutcheson, Jr.	Gus W. Richardson,
Elliott B. Beard,	W. Harrison Isaacs,	W. H. Shanks,
J. W. Berkshire,	J. H. Jackson,	John T. Shanklin,
P. W. Berkshire,	W. J. Jackson,	Robert C. Simmons,
O. Houston Brooks,	T. C. Jackson,	J. A. Sloan,

Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
H. K. Cole,
W. A. Cope,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
John Feland,
S. L. Givan,
F. E. Graves,
R. L. Gwathmey,
Robert L. Harris,
W. W. Hopkins,
R. Dillard Hunter,
A. T. Lee,
E. W. Lillard,
Hugh Mahin,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
Duncan Milliken,
Garfield Moore,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
John L. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford 68

Those who voted in the negative were—

Robert H. Anderson,
O. P. Applegate,
Louis W. Arnett,
F. Pierce Blair,
Albert Butler,
J. Will Clay,
Denver B. Cornett,
Henry H. Denham,
Robert Enlow,
Thos. E. Finley,
C. W. G. Hannah,
John P. Haswell, Jr.
R. F. Hutchinson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
Jasper D. Lowder,
Wm. S. Markolf,
Virgil McKnight,
Chris. Mueller,
Samuel J. Patrick,
G. L. Perryman,
H. A Schoberth,
Sawyer A. Smith,
D. P. Taggart,
Harry Weitkamp 28

Upon the call of the counties and Representative districts, bills were introduced and referred, as follows, viz.:

H. B. 114, by Mr. Nichols—An act providing for transportation of attendants with shipments of live stock. Committee on Railroads.

By same:

H. B. 115. An act to protect the lives and property of persons traveling and shipping freight upon railroads in State of Kentucky.

Referred to Committee on Railroads.

By Mr. Lillard:

H. B. 116. An act for the benefit of the Kentucky School for the Deaf. Appropriates about $25,000.00.

Referred to Committee on Charitable Institutions.

By same:

H. B. 117. An act to appropriate $3,000 to enable the Commission of the Perryville Confederate monument to purchase additional ground.

Referred to the Committee on Public Monuments and Historical Records.

By Mr. Weitkamp:

H. B. 118. An act to amend an act for the government of cities of the Fourth Class, approved June 28, 1893, relating to the construction of public ways of cities of the Fourth class.

Referred to Committee on Cities of Fourth, Fifth and Sixth Class.

By Mr. Feland:

H. B. 119. An act to amend Chapter 36 of the Kentucky Statutes, entitled "Crimes and Punishments."

Referred to Committee on Kentucky Statutes.

By Mr. Hunter:

H. B. 120. An act to amend Section 1308 of Kentucky Statutes.

Referred to Committee on Criminal Law.

By same:

H. B. 121. An act for the preservation, propagation and protection of game and fish.

Referred to Committee on Fish, Game and Forestry.

By Mr. Sloan:

H. B. 122. An act to amend Section 4309 of Chapter 110 of Kentucky Statutes.

Referred to Committee on County and City Courts.

By Mr. Klair:

H. B. 123. An act appropriating $10,000 for the purpose of restoring the monument of Henry Clay in the Lexington Cemetery.

Referred to Committee on Public Monuments and Historical Records.

By same:

H. B. 124. An act to amend and re-enact Section 12 of an act entitled "An act to regulate the practice of pharmacy in the Commonwealth of Kentucky and to establish a Board of Pharmacy and define the duties and powers thereof. The same being 230 of Kentucky Statutes.

Referred to the Committee on Public Health.

By Mr. Klair:

H. B. 125. An act amending Section 1159 of Kentucky Statutes of edition compiled by J. D. Carroll and issued in 1903.

Referred to Committee on Kentucky Statutes.

By Mr. Buford:

H. B. 126. An act to amend Section 965 of Kentucky Statutes,

changing the time of holding court in all counties of Fourteenth Circuit Court District.

Referred to Committee on Circuit Courts.

By Mr. Jackson:

H. B. 127. An act to repeal Chapter 10 of acts of 1906, entitled "An act to promote the sheep industry and provide tax on dogs."

Referred to Committee on Agriculture.

By Mr. Wynn:

H. B. 128. An act authorizing Fiscal Courts of various counties to appropriate money to repair and maintain streets and roads within cities of Fifth and Sixth Classes.

Referred to Committee on County and City Courts.

By Mr. Hannah:

H. B. 129. An act to repeal an act to regulate public advertising, Chapter 92, pages 213-214 of the published acts of Kentucky and approved March 24, 1902.

Referred to Committee on Printing.

By Mr. Strange:

H. B. 130. An act to regulate the matriculation of medical and dental students in medical and dental colleges of this Commonwealth.

Referred to Committee on Public Health.

By Mr. Waggoner:

H. B. 131. An act relating to financial statements of cities of the Fifth class.

By same:

H. B. 132. An act to amend Section 61, of Constitution.

Referred to Committee on Constitutional Amendments.

By Mr. Gwathmey:

H. B. 133. An act to amend and re-enact Section 738 Kentucky Statutes, edition 1903.

Referred to Committee on Kentucky Statutes.

By Mr. Harris:

H. B. 134. An act to amend Section 33, Sub-section 1, of Chapter 3, being an act of April 2, 1892, being styled and designated, Agriculture, Labor and Statistics.

Referred to Committee on Immigration and Labor.

By same:

H. B. 135. An act to amend Section 336, Subsection 1, of Chapter 4, being styled and designated, Agriculture, Labor and Statistics.

By Mr. Wallace:

H. B. 136. An act to allow Veteran Voluntary Firemen's Association pension in the city of Louisville.

Referred to Committee on Municipalities.

By Mr. Arnett:

H. B. 137. An act relating to public printing, binding and stationery and to more clearly define the duties of the Public Printer.

Referred to Committee on Kentucky Statutes.

By Mr. Shanks:

H. B. 138. An act to change the court calendar of the Thirteenth Judicial District.

Referred to Committee on Circuit Courts.

By Mr. Smith:

H. B. 139. An act to amend an act entitled "An act for the benefit of the penitentiaries at Frankfort and Eddyville and appropriating money for the erection of necessary buildings and improvements at said penitentiaries."

Referred to Committee on Kentucky State Prisons and Houses of Reform.

By Mr. Sullivan:

H. B. 140. An act for the benefit of the three State Educational Institutions, viz: State University, Eastern Kentucky State Normal School and Western Kentucky State Normal School, appropriating money for necessary buildings, furnishing necessary equipment, purchasing necessary grounds, providing additional revenues for the maintenance of each of said institutions and amending the laws with reference thereto.

Referred to Committee on State Colleges and State Normal Schools.

By same:

H. B. 141. An act for the government and regulation of the Commonwealth.

Referred to Committee on Education No. 1.

By same:

H. B. 142. An act qualifying women to vote in any common school election and to hold any common school office.

Referred to Committee on Education No. 1.

By Mr. Anderson:

H. B. 143. An act to amend an act entitled "An act to amend Section 4315 Kentucky Statutes being Chapter 110 of the Kentucky

Statutes," approved March 2, 1906.

Referred to Committee on Kentucky Statutes.

By Mr. McChord:

H. B. 144. An act to fix the salaries of the judges of the Circuit Court.

Referred to Committee on Circuit Courts.

By same:

H. B. 145. An act to promote and regulate the tobacco industry of Kentucky.

Referred to Committee on Agriculture.

By Mr. Porter:

H. B. 146. An act providing for teaching the effect of alcohol and narcotics in the public schools.

Referred to Committee on Education No. 1.

By same:

H. B. 147. An act to amend an act entitled "An act to regulate the holding of Circuit Courts, in which there are towns over 12 miles from the county seat," approved March, 1906.

Referred to Committee on Circuit Courts.

By same:

H. B. 148. An act to amend Section 2054, Chapter 63, of the Kentucky Statutes, relating to the State Board of Health.

Referred to Committee on Public Health.

The hour of twelve o'clock, meridian, having arrived, the hour for the execution of the joint special order of the day, to-wit: The convening in joint assembly of the members of the two Houses of the

General Assembly for the purpose of reading and comparing that part of the journals of the two Houses of yesterday pertaining to the election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the 4th day of March, 1909, and for the further purpose of choosing one person as Senator in the Congress of the United States from the State of Kentucky as aforesaid, said special order being in pursuance of an act of Congress and the law in Kentucky in such matter made and provided, the members of the Senate of Kentucky appeared and entered upon the floor of the House of Representatives and in pursuance of a joint rule of the Senate and House of Representatives, Hon. W. J. Gooch, Speaker of the House of Representatives, called the joint assembly to order and presided. Hon. W. H. Cox, Lieutenant Governor and President of the Senate, took his seat on the left of the Speaker.

The roll was called and the following Senators and Representatives answered to their names, viz:

In the Senate—

Joe F. Bosworth,	G. T. Jarvis,	Hillard H. Smith,
R. B. Brown,	Ben F. Landrum,	John L. Smith,
A. R. Burnam,	Conn Linn,	W. W. Tabb,
J. Wheeler Campbell,	P. S. Maxwell,	E. M. Taylor,
Albert H. Charlton,	H. S. McNutt,	G. A. Taylor,
Thos. A. Combs,	L. C. Nell,	John L. Vice,
Nat. C. Cureton,	J. W. Newman,	Ed. E. Walker,
J. A. Donaldson,	R. W. Owen,	J. J. Watkins,
C. B. Ecton,	Sam H. Peters,	M. G. Watson,
B. C. Grigsby,	E. K. Renaker,	Geo. Wilhelmi,
O. P. Hogan,	Frank Rives,	J. W. Wright,
R. L. Hubble,	Benjamin Sewell,	G. T. Wyatt—36

In the House of Representatives—

A. A. Allphin,	W. W. Hopkins,	John C. Pirtle,
Robt. H. Anderson,	R. Dillard Hunter,	J. F. Porter,
O. P. Applegate,	F. M. Hutcheson, Jr.	R. S. Rector,

Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
Robert Enlow,
John Feland,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Virgil McKnight,
Emanuel Meyer,
Duncan Milliken,
Garfield Moore,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman,
G. T. Reynolds,
Isaac G. Rice,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
J. P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford,
Speaker Gooch—97

A majority of all members elected to both Houses being present, the Journals of yesterday of both Houses pertaining to the proceedings had in each House upon yesterday relative to the election of a Senator in the Congress of the United States from the State of Kentucky as aforesaid were read and approved by the joint assembly.

It appears upon reading and comparison of the Journals of the two Houses as aforesaid that the vote taken in the two Houses of

the General Assembly separately on yesterday were as follows, viz:

In the Senate—

Those who voted for J. C. W. Beckham were—

A. R. Burnam,	Conn Linn,	W. W. Tabb,
Thos. A. Combs,	J. W. Newman,	E. M. Taylor,
J. A. Donaldson,	R. W. Owen,	J. J. Watkins,
C. B. Ecton,	Sam H. Peters,	M. G. Watson,
O. P. Hogan,	E. K. Renaker,	G. T. Wyatt—17
R. L. Hubble,	Frank Rives,	

Those who voted for W. O. Bradley were—

R. B. Brown,	L. C. Nell,	John L. Vice,
Nat. C. Cureton,	Benjamin Sewell,	Ed. E. Walker,
B. C. Grigsby,	Hillard H. Smith,	Geo. Wilhelmi,
G. T. Jarvis,	Jno. T. Smith,	J. W. Wright—14
Ben F. Landrum,	G. A. Taylor,	

Those who voted for James B. McCreary were—

Albert H. Charlton, H. S. McNutt,

Those who voted for J. C. S. Blackburn were—

J. Wheeler Campbell,

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

A. A. Allphin,	R. Dillard Hunter,	W. H. Shanks,
Robt. H. Anderson,	F. M. Hutcheson, Jr.	John L. Smith,
Louis W. Arnett,	J. H. Jackson,	John S. Steers,
Elliott B. Beard,	W. J. Jackson,	J. W. Stump,
J. W. Berkshire,	W. F. Klair,	J. A. Sullivan,
P. W. Berkshire,	Hugh Mahin,	J. B. Swann,
O. Houston Brooks,	W. C. McChord,	Eugene W. Tandy,
Frank J. Brown,	Duncan Milliken,	C. S. Templeman,
J. T. Buford,	Jesse F. Nichols,	Wm. M. Thompson,
J. Will Clay.	A. C. Oliver,	Geo. C. Waggoner,
Dr. C. F. Crecelius,	W. V. Perry,	E. E. Wash,

Wm. E. Dowling,	John C. Pirtle,	W. R. Whitlow,
W. F. Edmunds,	J. F. Porter,	Geo. S. Wilson,
Robert Enlow,	G. T. Reynolds,	J. Hal. Woodford,
F. E. Graves,	Gus W. Richardson,	W. J. Gooch,—47
W. W. Hopkins,	H. A. Schoberth,	

Those who voted for W. O. Bradley were—

O. P. Applegate,	C. W. G. Hannah,	Garfield Moore,
F. Pierce Blair,	Robert L. Harris,	G. W. Parrott,
W. N. Brown, Jr.	J. P. Haswell, Jr.	C. C. Patrick,
Albert Butler,	R. F. Hutchinson,	Samuel J. Patrick,
H. K. Cole,	W. Harrison Isaacs,	G. L. Perryman,
W. A. Cope,	T. C. Jackson,	R. S. Rector,
Denver B. Cornett,	W. H. Jones,	Isaac G. Rice,
John T. Davis,	W. L. Kimbrough,	John T. Shanklin,
W. A. B. Davis,	Cleves G. Kinkead	J. A. Sloan,
Henry H. Denham,	A. T. Knox,	Sawyer A. Smith,
Thurman B. Dixon,	A. T. Lee,	R. E. Stewart,
J. A. Duff,	Jasper D. Lowder,	W. H. Strange,
John Feland,	Wm. S. Markolf,	D. P. Taggart,
Thos. E. Finley,	J. B. Maynard,	J. P. Wallace,
S. L. Givan,	Emanuel Meyer,	Harry Weitkamp,
R. L. Gwathmey,	H. L. Myers,	W. C. Wynn,—48.

Those who voted for James B. McCreary were—

E. W. Lillard, Virgil McKnight,

Those who voted for David W. Baird were—

Chris Mueller

In summing up the vote as given above it was found to be as follows, viz:

In the Senate—

For J. C. W. Beckham.....17 votes.
For William O. Bradley.....14 votes.
For James B. McCreary..... 2 votes.
For J. C. S. Blackburn..... 1 vote.

Total number of votes cast.....34

In House of Representatives—

For J. C. W. Beckham----------47 votes.
For William O. Bradley----------48 votes.
For James B. McCreary---------- 2 votes.
For David W. Baird---------- 1 vote.

Total number of votes cast----------98

It appearing from the reading and comparison of the Journals of the two Houses as aforesaid and an inspection as above set out, that no one person received on yesterday in separate session a majority of all the votes cast in each House, a majority of all the members elected to each House respectively being present and voting, Hon. W. J. Gooch, Speaker of the House of Representatives, presiding over the joint assembly, announced and declared that no election was had. It was thereupon announced that nominations before the joint assembly for the office of Senator in the Congress of the United States from the State of Kentucky as aforesaid were in order.

Senator Combs named Hon. J. W. C. Beckham, of Nelson county, as a suitable person to fill said office.

Mr. Haswell named Hon. William O. Bradley, of Jefferson county, as a suitable person to fill said office.

Thereupon the joint assembly proceeded in accordance with the laws of the United States and of the State of Kentucky to choose by viva voce vote of each member present one person for the purpose aforesaid, a majority of all the members elected to both Houses being present and voting, and the vote thus taken resulted as follows, viz:

In the Senate—

Those who voted for J. C. W. Beckham were—

R. B. Brown,	Conn Linn,	W. W. Tabb,
Thos. A. Combs,	J. W. Newman,	E. M. Taylor,
J. A. Donaldson,	R. W. Owen,	J. J. Watkins,

C. B. Ecton, Sam H. Peters, M. G. Watson,
O. P. Hogan, E. K. Renaker, G. T. Wyatt—17
R. L. Hubble, Frank Rives,

Those who voted for W. O. Bradley were—

Joe F. Bosworth, L. C. Nell, John L. Vice,
Nat. C. Cureton, Benjamin Sewell, Ed. E. Walker,
B. C. Grigsby, Hillard H. Smith, Geo. Wilhelmi,
G. T. Jarvis, Jno. F. Smith, J. W. Wright—14
Ben F. Landrum, G. A. Taylor,

Those who voted for J. C. S. Blackburn were—

J. Wheeler Campbell,

Those who voted for James B. McCreary were—

H. S. McNutt, Albert H. Charlton,

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

A. A. Allphin, F. M. Hutcheson, Jr. W. H. Shanks,
Robt. H. Anderson, J. H. Jackson, John L. Smith,
Louis W. Arnett, W. J. Jackson, John S. Steers,
Elliott B. Beard, W. F. Klair, J. W. Stump,
J. W. Berkshire, Hugh Mahin, J. A. Sullivan,
P. W. Berkshire, W. C. McChord, J. B. Swann,
O. Houston Brooks, Duncan Milliken, Eugene W. Tandy,
Frank J. Brown, Jesse F. Nichols, C. S. Templeman,
J. T. Buford, A. C. Oliver, Wm. M. Thompson,
J. Will Clay, W. V. Perry, Geo. C. Waggoner,
Dr. C. F. Crecelius, John C. Pirtle, E. E. Wash,
Wm. E. Dowling, J. F. Porter, W. R. Whitlow,
Robert Enlow, G. T. Reynolds, Geo. S. Wilson,
F. E. Graves, Gus W. Richardson, J. Hal. Woodford,
W. W. Hopkins, H. A. Schoberth, Speaker Gooch—46
R. Dillard Hunter,

Those who voted for Wm. O. Bradley were—

O. P. Applegate,
F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
J. A. Duff,
John Feland,
Thos. E. Finley,
S. L. Givan,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
T. C. Jackson,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
Emanuel Meyer,
Garfield Moore,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
G. L. Perryman,
R. S. Rector,
Isaac G. Rice,
John T. Shanklin,
J. A. Sloan,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
D. P. Taggart,
John P. Wallace,
Harry Weitkamp,
W. C. Wynn,—47

Those who voted for James B. McCreary were—

E. W. Lillard, Virgil McKnight,

Those who voted for David W. Baird were—

Chris. Mueller,

In summing up the vote of the joint assembly it was found to stand as follows, viz:

For J. C. W. Beckham	63 votes.
For William O. Bradley	61 votes.
For James B. McCreary	4 votes.
For J. C. S. Blackburn	1 vote.
For David W. Baird	1 vote.
Total number of votes cast	130
Necessary to a choice	66 votes.

The following pairs were announced:

Senator Burnam with Senator Chinn.

Senator Burnam, if voting, would have voted for Mr. Bradley, and Senator Chinn, is present and voting, would have voted for Mr. Beckham.

Senator Maxwell with Senator Oliver.

Senator Maxwell, if voting, would have voted for Mr. Beckham, and Senator Oliver, if present and voting, would have voted for Mr. Bradley.

Mr. Simmons with Mr. Chase.

Mr. Simmons, if voting, would have voted for Mr. Beckham, and Mr. Chase, if present and voting, would have voted for Mr Bradley.

Mr. Edmunds with Mr. H. L. Myers.

Mr. Edmunds, if present and voting, would have voted for Mr. Beckham, and Mr. Myers, if present and voting, would have voted for Mr. Bradley.

No one having received a majority of the votes of the joint assembly, a majority of all the members elected to both Houses being present and voting, Hon. W. J. Gooch, presiding over the joint assembly, declared that no election had been had, and that the joint assembly would proceed to take a second joint ballot in the further execution of the laws and for the purpose aforesaid.

Mr. Shanks moved that the joint assembly do now dissolve, to meet again tomorrow at twelve o'clock, meridian.

Said motion was agreed to.

The members of the Senate retired and the Speaker called the House to order.

Mr. Richardson moved that the House do now adjourn.

Said motion was agreed to.

THURSDAY, JANUARY 23, 1908.

The House was opened with prayer by the Rev. W. E. Simms, of the Methodist Episcopal Church, South.

The reading of the Journal of yesterday's proceedings was dispensed with.

Upon the call of the counties and Representative districts, bills were introduced and referred as follows, viz:

By Mr. Dowling:

H. B. 149. An Act to amend an act act entitled an act to create a State School Book Commission and a County School Book Commission, to procure the use in the public schools of the Commonwealth a uniform series of text books, to define the duties and powers of said Commission, to fix the maximum prices of said text books, to make preparations for carrying this act into effect, in providing penalties for the violation of same, being Chapter III of the Act of 1904.

Referred to Committee on Education No. 2.

By same:

H. B. 150. An act to repeal or reenact subdivisions 1 and 2 of Article XV, of Chapter 40, Kentucky Statutes, entitled "Exempted Property," the sections repealed being 1097, 1098, 1099, 1700, 1702, of said statutes.

Referred to Committee on Kentucky Statutes.

By Mr. Cornett:

H. B. 151. An Act to prevent and punish the desecration, standard color or ensign of the United States of America.

Referred to Committee on Federal Relations.

By Mr. J. W. Berkshire:

H. B. 152. An Act to repeal Chapter 71, Acts 1906.

Referred to Committee on County and City Courts.

By same:

H. B. 153. An Act to amend the election law.

Referred to Committee on Suffrages and Elections.

By same:

H. B. 154. An Act to prohibit the killing or chasing of rabbits with ferrets.

Referred to Committee on Fish, Game and Forestry.

By same:

H. B. 155. An Act to amend the game laws.

Referred to Committee on Fish, Game and Forestry.

By same:

H. B. 156. An Act to repeal Section 1887, of Article 6, of Chapter 52, of the Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

By Mr. Lillard:

H. B. 157. An act for preventing the manufacture and sale of adulterated or misbranded goods, drugs, medicines and liquors.

Referred to Committee on Public Health.

By Mr. S. J. Patrick:

H. B. 158. An Act entitled an act to repeal Sub-section 2 of Section 2103, Kentucky Statutes, entitled Marriages—who may solemnize.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 159. An Act to repeal an act entitled an act to promote the sheep industry and provide a tax on dogs.

Referred to Committee on Agriculture.

By Mr. Haswell:

H. B. 160. An Act prohibiting the manufacturer and sale of cigarettes in the State, and providing punishment therefor.

Referred to Committee on Public Health.

By same:

H. B. 161. An Act to amend Chapter 58 of the Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

By Mr. Thompson:

H. B. 162. An Act to amend an Act entitled "An Act to regulate the running of motor vehicles upon the public highways of this State, and providing a penalty for violation thereof.

Referred to Committee on Agriculture.

By Mr. H. L. Myers:

H. B. 163. An Act to fix the liability of common carriers in the transportation of bulls, boars and hogs.

Referred to Committee on Railroads.

By same:

H. B. 164. An Act to amend Sections 2630 and 2635 of the Kentucky Statutes, edited by the Hon. J. D. Carroll, edition 1903, relating to the sale of drugs.

Referred to Committee on Public Health.

By Mr. Swann:

H. B. 165. An Act to require an annual apportionment and accounting of surplus of life insurance companies.

Referred to Committee on Insurance.

By same:

H. B. 166. An Act relating to the salaries of officers and agents of life insurance companies.

Referred to Committee on Insurance.

By same:

H. B. 168. An Act to require an annual apportionment and accounting of surplus of insurance companies as to policies heretofore issued.

Referred to Committee on Insurance.

By Mr. Weitkamp:

An Act to amend and re-enact section 3501 of Kentucky Statutes, relating to mayors of cities of the fourth class.

By same:

H. B. 170. An act to amend an act for the government of cities of the fourth class, approved June 28, 1903 relating to special judges and being section 3412 of Kentucky Statutes.

Referred to Committee on Cities of the Fourth, Fifth and Sixth Class.

By same:

H. B. 171. An Act to amend and re-enact certain sections of the Kentucky Statutes, chapter 89, article 5, relating to cities of the fourth class.

Referred to Committee on Cities of the Fourth, Fifth and Sixth Class.

By same:

H. B. 172. An Act to amend and re-enact certain sections of the Kentucky Statutes, chapter 89, article 5, relating to cities of the Fourth Class.

Referred to Committee on Cities of the Fourth, Fifth and Sixth Class.

By Mr. Allphin:

H. B. 173. An Act to require growers of tobacco to procure license before engaging in such occupation.

Referred to Committee on Agriculture.

Mr. Feland:

H. B. 174. An Act to amend an act entitled "An Act to establish Houses of Reform, one for boys and one for girls, and to provide for the government thereof, and make an appropriation therefor," which became a law March 21, 1896, and was amended March 3, 1906.

Referred to Committee on State Prisons and Houses of Reform.

By Mr. Cope:

H. B. 175. An Act to further regulate the sale of spirituous, vinous and malt liquors in this Commonwealth.

Referred to Committee on Public Morals.

By Mr. C. C. Patrick:

H. B. 176. An Act to amend and re-enact an act to provide for the inspection of nursery stock and to prevent the dissemination of noxious insects and fungus.

Referred to Committee on Agriculture.

By Mr. Klair:

H. B. 177. An Act to accept the provisions of an act passed by the Congress of the United States and approved March 16, 1906, to

provide for an increased annual appropriation for Agricultural Experiment Station and regulate the expenditures thereof.

Referred to Committee on State College and Normal Schools.

By same:

H. B. 178. An Act to regulate child labor and to make the provisions thereof effective.

Referred to Committee on Immigration and Labor.

By Mr. Buford:

H. B. 179. An Act enabling the Kentucky Board of Pharmacy to exchange certificates of registration with other States, allowing pharmacists registered in foreign States to practice pharmacy in Kentucky.

Referred to Committee on Public Health.

By Mr. Hannah:

H. B. 180. An Act to amend section 2096, article 1, of chapter 66, of Kentucky Statutes, entitled, "Persons who are prohibited from marriage."

Referred to Committee on Kentucky Statutes.

By Mr. Hutcheson:

H. B. 181. An Act to repeal section 1401 of Kentucky Statutes.

Referred to Committee on Judiciary.

By same:

H. B. 186. An Act to provide for the placing of a statue of Daniel Boone in the State Statuary Hall at the National Capitol.

Referred to Committee on Public Monuments and Historical Records.

By Mr. Gwathmey:

H. B. 183. An Act to prevent the crowding or overloading, beyond their seating capacity of cars provided by railroad companies for the transportation of passengers and to prevent any increase in the rates now in effect of the withdrawal from sale of certain tickets thereof.

Referred to Committee on Railroads.

By same:

H. B. 184. An Act to aid in the prevention and settlement of strikes and lockouts in mines and industries connected with public utilities.

Referred to Committee on Judiciary.

By Mr. Emanuel Meyer:

H. B. 185. An Act requiring cities of the First class to levy and collect a tax of not less than 36 cents on each $100 worth of property assessed for taxation for city purposes for the maintenance of the common schools in said cities, being an amendment to section 2969 of Kentucky Statutes, which is a part of an act for the government of cities of the first class, approved July 1, 1893.

Referred to Committee on Municipalities.

By same:

H. B. 186. An Act concerning the State Normal and Industrial Institute.

Referred to Committee on State College and Normal Schools.

By Mr. Harris:

H. B. 187. An Act to amend an act to increase the efficiency of the office of Inspector of Mines and afford greater protection to the

lives and homes of persons employed in the coal mines of this State.

Referred to the Committee on Mines and Mining.

By Mr. Simmons:

H. B. 188. An Act to amend section 202, Kentucky Statutes.

Referred to Committee on Judiciary.

By same:

H. B. 189. An act to amend Section 2033, Kentucky Statutes.

Referred to Committee on Judiciary.

By Mr. Enlow:

H. B. 190. An act to carry into effect Section 197 of the State Constitution.

Referred to Committee on Railroads.

By Mr. W. A. B. Davis:

H. B. 191. An act to provide for the payment of jurors not accepted for jury service.

Referred to Committee on Circuit Courts.

By Mr. Lowder:

H. B. 192. An act to amend Section 2 of an act entitled "An act to regulate burial associations, corporations and companies doing business in the State of Kentucky," which became a law March 24, 1906, without the approval of the Governor.

Referred to Committee on Corporate Institutions.

By same:

H. B. 193. An act entitled an act to require skating rinks operating in Third and Fourth class cities to pay an annual license tax.

Referred to Committee on Revenue and Taxation.

By Mr. Shanks:

H. B. 194. An act to repeal and re-enact Sections 1 and 3 of Article 2 of Chapter 6, of Title 6, of Criminal Code of Practice, relating to the time of trial of criminal proceedings.

Referred to Committee on Criminal Law.

By Mr. Perry:

H. B. 195. An act relating to the liability of persons and corporations sustaining the relation of master and servant or employer and employe.

Referred to Committee on Judiciary.

By Mr. Sullivan:

H. B. 196. An act to provide for holding circuit courts and for the trial of cases pending in the circuit courts, where the regular judge can not hold the court, or by any particular case or cases pending therein.

Referred to Committee on Circuit Courts.

By same:

H. B. 197. An act relating to making or publishing financial statements of cities of the fourth class.

Referred to Committee on Cities of the Fourth, Fifth and Sixth Class.

By same:

H. B. 189. An act providing for the continuation of the Geological, Topographical and Agricultural Survey.

Referred to Committee on Geological Survey.

By Mr. T. C. Jackson:

H. B. 199. An act to amend Section 5 of an act entitled "An act

to regulate the granting of license to practice law and prescribing the qualifications of attorneys-at-law in the Commonwealth of Kentucky," approved March 19, 1902.

Referred to Committee on Judiciary.

By Mr. Tandy:

H. B. 200. An act to amend Section 3 of an act approved March 24, 1904, entitled "An act to define the duties of the County Surveyor."

Referred to Committee on County and City Courts.

By Mr. Beard:

H. B. 201. An act to amend Section 567, Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

By Mr. McChord:

H. B. 202. An act to amend Section 786, Kentucky Statutes.

Referred to Committee on Kentucky Statutes

By Mr. Porter:

H. B. 203. An act to amend Section 2118, Kentucky Statutes, Carroll's Edition, 1907.

Referred to Committee on Judiciary.

By same:

H. B. 204. An act to amend Section 1541, Kentucky Statutes, Carroll's Edition, 1903.

Referred to Committee on County and City Courts.

By Mr. Sawyer A. Smith:

H. B. 205. An act to create an educational Committee, to define its powers and duties and to provide for its expenses.

Referred to Committee on Education No. 1.

By Mr. Wilson:

H. B. 206. An act making it a misdemeanor for any person, company or corporation engaged in operating a coal mine to permit any person to work in a room of his, its of their coal mine, who has not had two years' experience as a practical miner, or unless such person be accompanied by some other person in such work who has had two years' experience as a practical miner, and fixing a penalty for its violation of same.

Referred to Committee on Mines and Mining.

By same:

H. B. 207. An act to regulate the time of holding court by justices of the peace in magisterial districts in this Commonwealth for the trial of civil causes.

Referred to Committee on County and City Courts.

By Mr. Taggart:

H. B. 208. An act making eight hours a legal day's work in and about the mines of this State.

Referred to Committee on Mines and Mining.

By same:

H. B. 209. An act to authorize fiscal courts to provide for the completion of any incomplete sets of the official edition of the Kentucky Reports of the decisions of the Kentucky Court of Appeals in the various county offices for the use of county officials.

Referred to Committee on Kentucky Statutes.

Petitions of sundry citizens of their respective counties and Representative districts, asking the enactment of a law requiring telegraph and telephone operators on railroads and train dispatchers to be at

least twenty-one years of age, were presented by the following members, to-wit:

By Mr. Stewart, of Hancock county.
By Mr. Graves, of McCracken county.
By Mr. Beard, of Shelby county.
By Mr. McKnight, of Mason county.
By Mr. Jones, of Caldwell county.
By Mr. Finley, of Hopkins county.
By Mr. Taggart, of Muhlenberg county.

Which were severally received, the reading thereof dispensed with, and referred to the Committee on Corporate Institutions.

Mr. Taggart presented the petition of sundry business men and firms of Muhlenberg county asking a modification of the exemption laws of this State.

Which was received, its reading dispensed with, and referred to the committee on the Judiciary.

Mr. Nichols presented a petition of sundry citizens of Ballard county remonstrating against the repeal of the dog tax law.

Which was received, its reading dispensed with, and referred to the Committee on Agriculture.

A communication was received from the Governor in writing as follows, viz.:

Executive Department,
Frankfort, Ky., January 23, 1908.

To the Senate and House of Representatives

Gentlemen: Following my first message in which I said I should submit to the General Assembly recommendations as to amendments to the school laws, I wish to ask your attention to some changes suggested at the instance of the Superintendent of Public Instruction, which seem to call for present consideration in advance of any plans for the general supervision of the school laws, to bring them up to the best standards and actual needs of the children of Kentucky.

There has been for a long time a growing feeling, very earnest and strong, that our school system was very weak in its general plan, and operation, and the revelation of the census as to the percentage of illiteracy in Kentucky has brought this feeling to the point of organized expression in general movements throughout the Commonwealth for better schools, better school houses, better teachers, better teaching, longer terms, better courses of education, better paid teachers, first class Normal Schools to train teachers and for a complete change in the whole system to bring it up to the necessities of the people and to the best modern school standards, and this general movement shows the active personal interest of all of our people in these matters, and has a strong and just claim to the attention of the members of the the General Assembly and to the officers of the State. The newspapers throughout the State are giving valuable space almost daily to school needs; the pulpit is working earnestly and steadfastly for better education; the boards of trade in our cities discuss and advocate modern methods and ideas in school work; all over the country there are great educational gatherings, mass meetings of teachers and citizens organizations of educational commissions, improvement leagues, federations of women's clubs, conferences and conventions, all joining in common warfare against illiteracy, and nowhere is the feeling or the need greater than in Kentucky.

I hope that you will be able to take up at the earliest time consistent with the public interests in your charge, the suggestions of the Superintendent of Public Instruction, for the need is great, the demand of the people insistent, and I hope the time was never so favorable for the prompt response of the representatives of the people to their wishes for good school laws.

The State Department of Education will be free from partisan bias or influence, and I feel the greatest hope and faith that all the representatives of the people and officers will join in the determination that

no creed nor partisan interest nor personal ambitions shall have any part in the measures we take for keeping up the schools and making them better.

I agree cordially with the feeling of the Superintendent of Public Instruction, and with the teachers and men and women throughout the State, who are showing active interest in school matters, that the office of Superintendent of Public Instruction should be so organized that it will not be a merely clerical office, but shall be more and more a center of educational thought and activity and a place of meeting for all interested in the general plans of the schools, where proposed legislation and general features of the management of the schools may be openly and freely discussed, educational sentiment crystalized and school laws and rules worked out on systematic and wisely arranged plans.

It seems wise that the Superintendent of Public Instruction, instead of simply watching the clerical distribution of the appropriations at Frankfort and the printing of school forms, should really have an active part in overlooking, guiding and helping all of the schools in the State, and to this end, should visit them personally in order to find what they need or what they lack or what changes ought to be made, and to criticise on the one hand, and then to be able to think out measures of relief. There is the greatest need for him to go in person to the remotest districts to show the need and the blessings of good schools and stir up the interest of the people at home in their schools, and urge and stimulate them to help themselves and their children, not only in their influence and work, but to induce them to help out the State fund with local contributions or taxes, and it seems to me that the law should make it mandatory upon him to visit every county in the State to inspect the schools and conduct educational work, and that there should be an appropriation to pay the reasonable and necessary expenses of such travel, not less than $2,000 a year. In this way only it seems to me, can this office serve the highest interests of the people

and meet one of the greatest needs and overcome one of the greatest burdens upon our people—the shame and misery of illiteracy.

A comprehensive revision of our entire school plan, in order to build up a model, up-to-date school system, arranged on a carefully organized and regular plan, from the kindergarten and the country school to the college, seems now of vital necessity. In the course of the years past, our school system has grown from old laws enacted before modern schools were developed, to their present condition, and added to from year to year, have become a mere patchwork of confused, complicated, sometimes inconsistent and often outgrown enactments. There is very little system or unity and they will have to be made over in a completely new code or act on a logical, wise and comprehensive plan. The work of revising and codifying these laws will take a long and careful study and patience, with the help and counsel of men and women trained in the profession of education, and of the most public-spirited and painstaking of our representatives and people, and I therefore hope that there will be provided at the earliest chance an Educational Commission to thoroughly investigate our school system, make a comparative study of the best school systems of other States and submit to the next General Assembly a report embodying such suggestions, recommendations and amendments as the Commission shall find necessary, useful and good.

While there are many arguments for a paid commission, the creation of new positions and salaries always tend to bring politics into the measure, and my impression is that it will help to keep it free from politics if there is no personal profit or advantage provided for in the law creating such a commission. I have felt it my duty to do all that I can between the sessions of the General Assembly to study these matters of general interest. It is the duty of the Superintendent of Public Instruction to do this, and as these services can be had without additional cost or political contention, I suggest that the Governor and Superintendent of Public Instruction be ex-officio members of the

Commission, that all members serve without salary, but that their actual necessary expenses, when engaged in the work, shall be paid, and in order that the General Assembly may be in constant touch with and have a part in the work of the Commission, it would be desirable to have each House, or the Governor, select one Senator and one Representative as members of this Commission, and in order that the women of the State, who are most deeply interested in the schools, may be represented and have their part in the work of the Commission, it would probably be useful to have one lady member of the Commission, chosen by the Federation of Women's Clubs, and to have the President of the State University, the Presidents of the State Normal Schools, one Superintendent of County Schools and one Superintendent of City Schools, the last three to be appointed by the Governor.

There is very great need for some relief to be given, in advance of the general revision of the school laws, to the country schools, which are crippled by our present Trustee System, which seems to many who have studied the system, to be very awkward, cumbersome and unwise. It seems much simpler to have the county as the unit for taxation for school taxes collected just as other taxes are collected, by the same officers, and that in place of the present school trustee district system, there should be a small, compact and effective County Board of Education in each county, to have full charge and control of the appropriation of the school funds of each county in accordance with the needs of each school district having due regard to the number of scholars the school hours, the number of teachers and their pay and the condition of the school houses and apparatus, and that each county should be divided into a small number, say four, six, or eight school divisions, according to the need of the county, each to be managed by a Division Board of Education, which, in turn, should select the teachers for the schools in each division, with one local trustee for each school or subdistrict, to look after the immediate

needs of his school. The Division Boards should be made up of these local trustees and the chairman of the Division Board should be a member of the County Board of Education.

The County Superintendent should be ex-officio chairman of the County Board. The selection of these school officials should be rigidly separated from mere partisan or political influence. In connection with this change in the management of county schools, which I earnestly commend to your consideration upon the advise of the Superintendent of Public Instruction, after conference with many leading school teachers adapted to our present needs, it seems to me that it should be the aim to provide for a better general condition of these country schools and school houses, for adequate salaries for teachers, for longer school terms, and for the establishment of one or more high schools in each county as may be necessary according to the number of students and the nature of the territory of the county, and to encourage in every way possible local aid, by county and town and district taxation or contributions to help out the State School Fund.

I commend to your favorable notice the movement to strengthen our State Normal Schools and the State College, and make it a University. Our Normal Schools ought to have a course of study and training as good as that of any State; their faculties should be made up of men and women who have made their mark in that line of work and should be supported and managed as to train Kentucky teachers for the very best work that teachers can do any where.

I hope we can enter upon a plan which shall make our State University the object of the earnest hopes and future plans of all our students, who shall seek a higher education, a source of pride to every Kentuckian in its high ideals, its generous and wise policy, and the ability, learning and noble character of its officers and teachers.

I do not doubt that the General Assembly will take pleasure in so amending the laws providing for the apportionment of free scholarships in the Normal Schools as to make it equitable, and base its im-

partiality on the school census, with the county as the unit of apportionment, and that all boards of Trustees of State Educational Institutions, including the State College should be bi-partisan or in some way be guarded against mere political party influence. It seems also reasonable in view of the help extended the State College by the Commonwealth, that the Superintendent of Public Instruction should be ex-officio a member of the Board of Trustees.

AUGUSTUS E. WILLSON,

Governor of Kentucky.

Which was read and referred to the Committee on Education No. 1.

Mr. John L. Smith offered the following resolution, viz:

Resolved by the House of Representatives, That Dr. H. C. Sharp, of Indiana, be invited to address the General Assembly immediately after the joint ballot for Senator.

Which was adopted.

Mr. Arnett offered the following resolution, viz:

Resolved by the House, the Senate concurring, that when the House adjourn today, it be to be meet again Monday at 11:30 o'clock.

Which was ordered to lie over.

Mr. Perry offered the following resolution, viz:

Resolved, That the Governor's message received today be printed and distributed among the members, one hundred and fifty copies to each member, and that it be bound with the first message.

Said resolution was disagreed to.

A message was received from the Senate announcing that they had passed bills of the following titles, viz:

S. B. 11. An Act to provide the Senate and House of Representatives of the State of Kentucky with messengers and stenographers or copyists during the present session of the General Assembly.

S. B. 12. An act to provide a stenographer for the use of the Governor of the Commonwealth of Kentucky.

Said bills were ordered to be printed and referred to the Committee on Rules.

The hour of 12 o'clock, meridian, having arrived, the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided, the members of the Senate of Kentucky appeared and entered upon the floor of the House of Representatives, and in pursuance of a joint rule of the Senate and House of Respresentatives, Hon. W. J. Gooch, Speaker of the House of Representatives, presided over the joint Assembly. Hon. W. H. Cox, Leiutenant Governor, and President of the Senate, took his seat on the left of the Speaker.

The members of the two Houses were convened in joint Assembly, the same being composed of a majority of all the members elected to both Houses. The roll was called and the following Senators and Representatives answered to their names, viz:

In the Senate—

Joe F. Bosworth,
R. B. Brown,
A. R. Burnam,
J. Wheeler Campbell,
Albert H. Charlton,
J. P. Chinn,
Thos. A. Combs,
Nat. C. Cureton,
J. A. Donaldson,
C. B. Ecton,
B. C. Grigsby,
O. P. Hogan,
G. T. Jarvis,
R. L. Hubble,
Ben F. Landrum,
Conn Linn,
P. S. Maxwell,
H. S. McNutt,
L. C. Nell,
J. W. Newman,
A. J. Oliver,
R. W. Owen,
Sam H. Peters,
E. K. Renaker,
Frank Rives,
Benjamin Sewell,
Hillard H. Smith,
Jno. F. Smith,
W. W. Tabb,
E. M. Taylor,
G. A. Taylor,
John L. Vice,
Ed. L. Walker,
J. J. Watkins,
M. G. Watson,
Geo. Wilhelmi,
J. W. Wright,
G. T. Wyatt.—37.

In the House of Representatives—

A. A. Allphin,
Robt. H. Anderson,
O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
Robert Enlow,
John Feland,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
R. L. Gwathmey,
Robert L. Harris,
J. P. Haswell, Jr.
R. Dillard Hunter,
F. M. Hutcheson, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
T. C. Jackson,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Virgil McKnight,
Emanuel Meyer,
Duncan Milliken,
Garfield Moore,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford,
Speaker Gooch—91

The journal of yesterday of both Houses, pertaining to the proceedings had in the joint Assembly, were read and approved.

It appearing upon the reading of the Journals aforesaid that no one person had received a majority of all the votes of said joint Assembly, a majority of all the members elected to both Houses being

present and voting, the joint Assembly proceeded, pursuant to law, to take another (the second) joint ballot in the selection of a Senator in the Congress of the United States from the State of Kentucky, as aforesaid, which resulted as follows, viz:

In the Senate—

Those who voted for J. C. W. Beckham were—

R. B. Brown,	Conn Linn,	Frank Rives,
J. P. Chinn,	P. S. Maxwell,	W. W. Tabb,
Thos. A. Combs,	J. W. Newman,	E. M. Taylor,
J. A. Donaldson,	R. W. Owen,	J. J. Watkins,
C. B. Ecton,	Sam H. Peters,	M. G. Watson,
O. P. Hogan,	E. K. Renaker,	G. T. Wyatt,—18

Those who voted for W. O. Bradley were—

Joe F. Bosworth,	Ben F. Landrum,	Jno. F. Smith,
A. R. Burnam,	L. C. Nell,	John L. Vice,
Nat. C. Cureton,	A. J. Oliver,	Ed. E. Walker,
B. C. Grigsby,	Benjamin Sewell,	Geo. Wilhelmi,
G. T. Jarvis,	Hillard H. Smith,	J. W. Wright,—15

Those who voted for Jas. B. McCreary were—

H. S. McNutt, Albert H. Charlton,

Those who voted for J. C. S. Blackburn were—

J. Wheeler Campbell,

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

A. A. Allphin,	J. H. Jackson,	John L. Smith,
Robt. H. Anderson,	W. F. Klair,	John S. Steers,
Louis W. Arnett,	Hugh Mahin,	J. W. Stump,
Elliott B. Beard,	W. C. McChord,	J. A. Sullivan,
J. W. Berkshire,	Duncan Milliken,	J. B. Swann,
P. W. Berkshire,	Jesse F. Nichols,	Eugene W. Tandy,
O. Houston Brooks,	A. C. Oliver,	C. S. Templeman,
Frank J. Brown,	W. V. Perry,	Wm. M. Thompson,

J. T. Buford,	John C. Pirtle,	Geo. C. Waggoner,
Dr. C. F. Crecelius,	J. F. Porter,	E. E. Wash,
Wm. E. Dowling,	G. T. Reynolds,	W. R. Whitlow,
Robert Enlow,	Gus W. Richardson,	Geo. S. Wilson,
F. E. Graves,	H. A. Schoberth,	J. Hal. Woodford,
R. Dillard Hunter,	W. H. Shanks,	Speaker Gooch—44
F. M. Hutcheson, Jr.	R. C. Simmons,	

Those who voted for Wm. O. Bradley were—

O. P. Applegate,	C. W. G. Hannah,	Garfield Moore,
F. Pierce Blair,	R. L. Harris,	G. W. Parrott,
W. N. Brown, Jr.	J. P. Haswell, Jr.	C. C. Patrick,
Albert Butler,	R. F. Hutchinson,	Samuel J. Patrick,
W. A. Cope,	W. Harrison Isaacs	G. L. Perryman,
Denver B. Cornett,	T. C. Jackson,	R. S. Rector,
John T. Davis,	W. H. Jones,	John T. Shanklin,
W. A. B. Davis,	W. L. Kimbrough,	J. A. Sloan,
Henry H. Denham,	Cleves G. Kinkead,	Sawyer A. Smith,
Thurman B. Dixon,	A. T. Knox,	R. E. Stewart,
J. A. Duff,	A. T. Lee,	W. H. Strange,
John Feland,	Jasper D. Lowder,	D. P. Taggart,
Thos. E. Finley,	Wm. S. Markolf,	J. P. Wallace,
S. L. Givan,	J. B. Maynard,	Harry Weitkamp,
R. L. Gwathmey,	Emanuel Meyer,	W. C. Wynn,

Those who voted for James B. McCreary were—

E. W. Lillard, Virgil McKnight,

Those who voted for David W. Baird were—

Chris. Mueller,

In summing up the vote of the joint Assembly, it was found to stand thus:

For J. W. C. Beckham	62 votes.
For William O. Bradley	60 votes.
For James B. McCreary	4 votes.
For J. C. S. Blackburn	1 vote.
For David W. Baird	1 vote.
Total number of votes cast	128

The following pairs were announced:

Senator Hubble with Senator G. A. Taylor.

Mr. Hubble, if present, would vote for Mr. Beckham, and Mr. Taylor if present, would vote for Mr. Bradley.

Mr. Chase with Mr. W. J. Jackson.

Mr. Chase, if present, would vote for Mr. Bradley, and Mr. Jackson, if present, would vote for Mr. Beckham.

Mr. Clay with Mr. Cole.

Mr. Clay, if present, would vote for Mr. Beckham, and Mr. Cole, if present, would vote for Mr. Bradley.

Mr. Edmunds with Mr. H. L. Myers.

Mr. Edmunds, if present, would vote for Mr. Beckham, and Mr. H. L. Meyers, if present, would vote for Mr Bradley.

Mr. Hopkins with Mr. Rice.

Mr Hopkins, if present, would vote for Mr. Beckham, and Mr. Rice, if present, would vote for Mr. Bradley.

No one person having received a majority of all of the votes of the joint Assembly, a majority of all members elected to both Houses of the General Assembly being present and voting, the Speaker of the House, presiding, announced that no election was had.

Mr. Wilson moved that the joint Assembly do now dissolve to meet again on tomorrow at 12 o'clock, meridian.

Said motion was agreed to.

The members of the Senate retired, and the Speaker called the House to order.

Mr. Hannah moved that the House do now adjourn until Monday next at 11:30 o'clock a. m.

Mr. Richardson moved to amend said motion by substituting therefor the following, viz:

That this House do now adjourn until tomorrow at 11:30 o'clock A. M.

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Richardson and Beard, were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,	R. Dillard Hunter,	John T. Shanklin,
Elliott B. Beard,	F. M. Hutcheson, Jr.	Robert C. Simmons,
J. W. Berkshire,	J. H. Jackson,	John L. Smith,
P. W. Berkshire,	W. J. Jackson,	J. A. Sullivan,
O. Houston Brooks,	W. C. McChord,	J. B. Swann,
Frank J. Brown,	Jesse F. Nichols,	Eugene W. Tandy,
J. T. Buford,	W. V. Perry,	C. S. Templeman,
Albert Butler,	John C. Pirtle,	Wm. M. Thompson,
W. A. Cope,	J. F. Porter,	Geo. C. Waggoner,
Dr. C. F. Crecelius,	G. T. Reynolds,	E. E. Wash,
Wm. E. Dowling,	Gus W. Richardson,	W. R. Whitlow,
Robert Enlow,	H. A Schoberth,	Geo. S. Wilson —38
F. E. Graves,	W. H. Shanks,	

Those who voted in the negative were—

O. P. Applegate,	W. Harrison Isaacs,	Chris. Mueller,
Louis W. Arnett,	T. C. Jackson,	G. W. Parrott,
F. Pierce Blair,	W. H. Jones,	C. C. Patrick,
W. N. Brown, Jr.	W. F. Klair,	Samuel J. Patrick,
John T. Davis,	W. L. Kimbrough,	J. A. Sloan,
W. A. B. Davis,	Cleves G. Kinkead,	Sawyer A. Smith,
Henry H. Denham,	A. T. Knox,	John S. Steers,
Thurman B. Dixon,	A. T. Lee,	R. E. Stewart,
J. A. Duff,	E. W. Lillard,	W. H. Strange,
S. L. Givan,	Jasper D. Lowder,	J. W. Stump,
R. L. Gwathmey,	Wm. S. Markolf,	D. P. Taggart,
C. W. G. Hannah,	J. B. Maynard,	John P. Wallace,
Robert L. Harris,	Emanuel Meyer,	Harry Weitkamp,
J. P. Haswell, Jr.	H. L. Myers,	W. C. Wynn,
R. F. Hutchinson,	Garfield Moore,	J. Hal. Woodford-45

The motion as made by Mr. Hannah above was disagreed to.

The yeas and nays being required thereon by Messrs. Hannah and Mueller were as follows, viz:

Those who voted in the affirmative were—

O. P. Applegate,
Louis W. Arnett,
F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
W. A. Cope,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
J. A. Duff,
S. L. Givan,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
J. P. Haswell, Jr.
R. F. Hutchinson,
W. Harrison Isaacs.
T. C. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
Emanuel Meyer,
H. L. Myers,
Garfield Moore,
Chris. Mueller,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
Robert C. Simmons,
J. A. Sloan,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
D. P. Taggart,
John P. Wallace,
Harry Weitkamp,
W. C. Wynn—46

Those who voted in the negative were—

A. A. Allphin,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
Dr. C. F. Crecelius,
Wm. E. Dowling,
Robert Enlow,
F. E. Graves,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
J. H. Jackson,
W. J. Jackson,
W. C. McChord,
Jesse F. Nichols,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
Gus W. Richardson,
H. A Schoberth,
W. H. Shanks,
John L. Smith,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson—35

Mr. Wilson moved that the House do now adjourn.

Said motion was agreed to.

FRIDAY, JANUARY 24, 1908.

The House was opened with a prayer by Rev. W. E. Simms, of the Methodist Episcopal Church, South.

The reading of the journal of yesterday's proceedings was dispensed with.

Mr. Hannah offered the following resolution, viz:

Be it resolved by the House of Representatives of Kentucky, That there is hereby allowed to Mr. C. C. Patrick, contestee in the contest to the right to a seat in this House, a Representative from the Representative district composed of the county of Fayette, wherein A. J. Gorham is contestant and C. C. Patrick is contestee, is allowed $150.00 for his expense and fee for his attorneys of record in said contest, said sum to be paid as a contingent expense of this House and is hereby to be such, and the Auditor of the State will draw his warrant for said sum of $150.00 in favor of C. C. Patrick when there is presented to him a voucher for said sum, and a copy of this resolution is declared to be a voucher.

Mr. Haswell offered the following amendment to said resolution, viz:

"Amend by adding thereto the following: There is also allowed to A. J. Gorham, the contestant, the sum of One Hundred and Fifty Dollars for his expense and fee for his attorneys of record in said contest said sum is to be paid as contingent expense of this House, and is hereby declared to be such, and the Auditor of Public Accounts is ordered to draw his warrant in favor of said A. J. Gorham for said amount upon presentation of a certified copy of this resolution."

Mr. McKnight moved that said resolution and amendment be referred to the Committee on Appropriations.

Said motion was agreed to.

Mr. Sullivan offered the following resolution, viz:

For information of this House on pending legislation, Be it resolved, that the Secretary of the State report to the House in writing:

First, The number of State banks organized and existing under the laws of this State at the close of the fiscal year ending June 30, 1907, including savings banks and combined banks and trust companies. giving in detail and in the aggregate their resources and liabilities.

Second, The number of separate trust companies organized and doing business under the laws of the State on June 30, 1907, giving in detail in the aggregate their resources and liabilities.

Third, The number of national banks doing business in this State on June 30, 1907, giving in the aggregate and in detail their resources and liabilities.

Said resolution was agreed to.

Mr. Hannah offered the following resolution, viz:

Be it resolved by this House that when it adjourns today it be to meet Monday, January 21, 1908.

Said resolution was agreed to.

The hour of 12 o'clock, meridian, having arrived, the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided, the members of the Senate of Kentucky appeared and entered upon the floor of the House of Representatives, and in pursuance of a joint rule of the Senate and House of Representatives, Hon. W. J. Gooch, Speaker of the House of Representatives, presided over the joint Assembly. Hon. W. H. Cox, Lieutenant Governor, and President of the Senate, took his seat on the left of the Speaker.

The members of the two Houses were convened in joint Assembly, the same being composed of a majority of all members elected to both

Houses. The roll was called and the following Senators and Representatives answered to their names, viz:

In the Senate—

Joe F. Bosworth,	R. L. Hubble,	Frank Rives,
R. B. Brown,	G. T. Jarvis,	Benjamin Sewell,
A. R. Burnam,	Ben F. Landrum,	Hillard H. Smith,
J. Wheeler Campbell,	Conn Linn,	Jno. T. Smith,
Albert H. Charlton,	P. S. Maxwell,	W. W. Tabb,
J. P. Chinn,	H. S. McNutt,	John L. Vice,
Thos. A. Combs,	L. C. Nell,	J. J. Watkins,
Nat. C. Cureton,	J. W. Newman,	M. G. Watson,
J. A. Donaldson,	A. J. Oliver,	Geo. Wilhelmi,
C. B. Ecton,	R. W. Owen,	J. W. Wright,
B. C. Grigsby,	Sam H. Peters,	G. T. Wyatt.—35
O. P. Hogan,	E. K. Renaker,	

In the House of Representatives—

A. A. Allphin,	R. L. Gwathmey,	C. C. Patrick,
Robert H. Anderson,	C. W. G. Hannah,	Samuel J. Patrick,
O. P. Applegate,	Robert L. Harris,	W. V. Perry,
Elliott B. Beard,	J. P. Haswell, Jr.	G. L. Perryman,
J. W. Berkshire,	F. M. Hutcheson, Jr.	J. F. Porter,
P. W. Berkshire,	R. F. Hutchinson,	R. S. Rector,
O. Houston Brooks,	W. Harrison Isaacs,	G. T. Reynolds,
Frank J. Brown,	J. H. Jackson,	H. A Schoberth,
W. N. Brown, Jr.	W. J. Jackson,	W. H. Shanks,
J. T. Buford,	W. H. Jones,	John L. Smith,
Albert Butler,	W. F. Klair,	Sawyer A. Smith,
J. Will Clay,	Cleves G. Kinkead,	John S. Steers,
H. K. Cole,	A. T. Knox,	W. H. Strange,
W. A. Cope,	A. T. Lee,	J. A. Sullivan,
Denver B. Cornett,	E. W. Lillard,	D. P. Taggart,
Dr. C. F. Crecelius,	Hugh Mahin,	Eugene W. Tandy,
John T. Davis,	J. B. Maynard,	C. S. Templeman,
W. A. B. Davis,	Virgil McKnight,	Geo. C. Waggoner,
Thurman B. Dixon,	Emanuel Meyer,	John P. Wallace,
Wm. E. Dowling,	Duncan Milliken,	E. E. Wash,

John Feland,	Garfield Moore,	W. R. Whitlow,
Thos. E. Finley,	Chris. Mueller,	W. C. Wynn,
S. L. Givan,	Jesse F. Nichols,	Geo. S. Wilson,
F. E. Graves,	A. C. Oliver,	W. J. Gooch—72

The journals of yesterday of both Houses, pertaining to the proceedings had in joint Assembly, were read and approved.

It appearing upon reading of the Journals aforesaid that no one person had received a majority of all the votes of said joint Assembly, a majority of all the members elected to both Houses being present and voting, the joint Assembly proceeded, pursuant to law, to take another (the third) joint ballot in the selection of a Senator in the Congress of the United States from the State of Kentucky, as aforesaid, which resulted as follows, viz:

In the Senate—

Those who voted for J. C. W. Beckham were—

R. B. Brown,	R. L. Hubble,	Frank Rives,
J. P. Chinn,	Conn Linn,	W. W. Tabb,
Thos. A. Combs,	P. S. Maxwell,	J. J. Watkins,
J. A. Donaldson,	J. W. Newman,	M. G. Watson,
C. B. Ecton,	R. W. Owen,	G. T. Wyatt.—17
O. P. Hogan,	Sam H. Peters,	

Those who voted for W. O. Bradley were—

Joe F. Bosworth,	Ben F. Landrum,	Jno. T. Smith,
A. R. Burnam,	L. C. Nell,	John L. Vice,
Nat. C. Cureton,	A. J. Oliver,	Geo. Wilhelmi,
B. C. Grigsby,	Benjamin Sewell,	J. W. Wright—14
G. T. Jarvis,	Hillard H. Smith,	

Those who voted for J. C. S. Blackburn were—

J. Wheeler Campbell,

Those who voted for James B. McCreary were—

Albert H. Charlton, H. S. McNutt,

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

A. A. Allphin,	F. M. Hutcheson, Jr.	John L. Smith,
Robert H. Anderson,	J. H. Jackson,	John S. Steers,
Elliott B. Beard,	W. F. Klair,	J. A. Sullivan,
J. W. Berkshire,	Hugh Mahin,	Eugene W. Tandy,
O. Houston Brooks,	Duncan Milliken,	C. S. Templeman,
Frank J. Brown,	A. C. Oliver,	Geo. C. Waggoner,
J. T. Buford,	W. V. Perry,	E. E. Wash,
J. Will Clay,	J. F. Porter,	W. R. Whitlow,
Dr. C. F. Crecelius,	G. T. Reynolds,	Geo. S. Wilson,
Wm. E. Dowling,	H. A Schoberth,	Speaker Gooch—32
F. E. Graves,	W. H. Shanks,	

Those who voted for Wm. O. Bradley were—

O. P. Applegate,	S. L. Givan,	Emanuel Meyer,
W. N. Brown, Jr.	R. L. Gwathmey,	Garfield Moore,
Albert Butler,	C. W. G. Hannah,	C. C. Patrick,
H. K. Cole,	John P. Haswell, Jr.	Samuel J. Patrick,
W. A. Cope,	R. F. Hutchinson,	G. L. Perryman,
Denver B. Cornett,	W. Harrison Isaacs,	R. S. Rector,
John T. Davis,	W. H. Jones,	Sawyer A. Smith,
W. A. B. Davis,	Cleves G. Kinkead,	W. H. Strange,
Thurman B. Dixon,	A. T. Knox,	D. P. Taggart,
John Feland,	A. T. Lee,	John P. Wallace,
Thos. E. Finley,	J. B. Maynard,	W. C. Wynn—33

Those who voted for James B. McCreary were—

Virgil McKnight,

Those who voted for David W. Baird were—

E. W. Lillard, Chris. Mueller,

In summing up the vote of the joint Assembly, it was found to stand thus:

For J. W. C. Beckham---------- 49 votes.
For William O. Bradley---------- 47 votes.
For James B. McCreary---------- 4 votes.

For J. C. S. Blackburn---------- 1 vote.
For David W. Baird---------- 1 vote.

Total number of votes cast----------102

The following pairs were announced:

Senator Renaker with Senator G. A. Taylor.

Mr. Renaker, if voting, would vote for Mr. Beckham, and Mr. Taylor, if present, would vote for Mr. Bradley.

Senator E. M. Taylor with Senator Walker.

Mr. Taylor, if present, would vote for Beckham, and Mr. Walker, if present, would vote for Mr. Bradley.

Mr. Arnett with Mr. Lowder.

Mr. Arnett, if present, would vote for Mr. Beckham, and Mr. Lowder, if present, would vote for Mr. Bradley.

Mr. P. W. Berkshire with Mr. Sloan.

Mr. Berkshire, if voting, would vote for Mr. Beckham, and Mr. Sloan, if present, would vote for Mr. Bradley.

Mr. Blair with Mr. Pirtle.

Mr. Blair, if present, would vote for Mr. Bradley, and Mr. Pirtle, if present, would vote for Mr. Beckham.

Mr. W. J. Jackson with Mr. Chase.

Mr. Jackson, if voting, would vote for Mr. Beckham, and Mr. Chase if present, would vote for Mr. Bradley.

Mr. Denham with Mr. Stump.

Mr. Denham, if present, would vote for Mr. Bradley, and Mr. Stump, if present, would vote for Mr. Beckham.

Mr. Hunter with Mr. Duff.

Mr. Hunter, if present, would vote for Mr. Beckham, and Mr. Duff, if present, would vote for Mr. Bradley.

Mr. Edmunds with Mr. H. L. Myers.

Mr. Edmunds, if present, would vote for Mr. Beckham, and Mr. H. L. Myers, if present, would vote for Mr. Bradley.

Mr. Enlow with Mr. Markolf.

Mr. Enlow, if present, would vote for Mr. Beckham, and Mr. Markolf, if present, would vote for Mr. Bradley.

Mr. Harris with Mr. Nichols.

Mr. Harris, if voting, would vote for Mr. Bradley, and Mr. Nichols, if voting, would vote for Mr. Beckham.

Mr. Hopkins with Mr. Rice.

Mr. Hopkins, if present, would vote for Mr. Beckham, and Mr. Rice, if present, would vote for Mr. Bradley.

Mr. Richardson with Mr. T. C. Jackson.

Mr. Richardson, if present, would vote for Mr. Beckham, and Mr. Jackson, if present, would vote for Mr. Bradley.

Mr. Swann with Mr. Kimbrough.

Mr. Swann, if present, would vote for Mr. Beckham, and Mr. Kimbrough, if present, would vote for Mr. Bradley.

Mr. McChord with Mr. Parrott.

Mr. McChord, if present, would vote for Mr. Beckham, and Mr. Parrott, if present, would vote for Mr. Bradley.

Mr. Thompson with Mr. Shanklin.

Mr. Thompson, if present, would vote for Mr. Beckham, and Mr. Shanklin, if present, would vote for Mr. Bradley.

Mr. Simmons with Mr. Stewart.

Mr. Simmons, if present, would vote for Mr. Beckham, and Mr. Stewart, if present, would vote for Mr. Bradley.

Mr. Woodford with Mr. Weitkamp.

Mr. Woodford, if present would vote for Mr. Beckham, and Mr. Weitkamp, if present, would vote for Mr. Bradley.

No one person having received a majority of all the votes of the joint Assembly, a majority of the members elected to both Houses of the General Assembly being present and voting, the Speaker of the House, presiding, announced that no election was had.

Mr. Wilson moved that the joint Assembly do now dissolve.

Said motion was agreed to.

The members of the Senate retired, and the Speaker called the House to order.

Mr. Mueller, moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned until Monday, next, the 27th inst.

SATURDAY, JANUARY 25, 1908.

At the hour of 12 o'clock, meridian, the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky, in such matters made and provided, the members of the Senate of Kentucky and of the House of Representatives met and assembled in joint Assembly in the Hall of the House of Representatives. In pursuance of a joint rule of the Senate and the House of Representatives, the Hon. W. J. Gooch, Speaker of the House of Representatives, called the joint Assembly to order, and in pursuance to law the said joint Assembly proceeded to take the fourth joint ballot in the selection of a Senator in the Congress of the United States from the State of Kentucky as aforesaid which resulted as follows, viz:

In the Senate—

Those who voted for J. C. W. Beckham were—

Conn Linn, Frank Rives, M. G. Watson—4
J. W. Newman,

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

Frank J. Brown,	G. T. Reynolds,	W. R. Whitlow,
J. T. Buford,	H. A Schoberth,	Speaker Gooch—8
F. E. Graves,	W. H. Shanks,	

Those who voted for Wm. O. Bradley were—

R. L. Gwathmey,

In summing up the vote of the joint Assembly it was found to stand thus:

For J. C. W. Beckham.....12 votes
For William O. Bradley..... 1 vote.

Total number of votes cast.....13

It appearing that a majority of all the members elected to both Houses of the General Assembly were not present and voting, the Speaker as aforesaid announced that no election was had.

Senator Newman moved that the joint Assembly do now dissolve.

Said motion was agreed to.

MONDAY, JANUARY 27, 1908.

The House was opened with prayer by Rev. J. R. Ziegler, of the Prebyterian church, Northern Assembly.

At 12 o'clock, meridian, the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such manner made and provided, the members of the Senate of Kentucky appeared and entered upon the floor of the House of Representatives, and in pursuance of a joint rule of the Senate and House of Representatives,

Hon. W. J. Gooch, Speaker of the House of Representatives, presided over the joint Assembly. Hon. W. H. Cox, Lieutenant Governor, and President of the Senate, took his seat on the left of the Speaker.

The roll was called and the following Senators and Representatives answered to their names, viz:—

In the Senate—

J. P. Chinn,	P. S. Maxwell,	W. W. Tabb,
Thos. A. Combs,	J. W. Newman,	J. J. Watkins,
O. P. Hogan,	Sam H. Peters,	M. G. Watson,
R. L. Hubble,	Frank Rives,	G. T. Wyatt—13
Conn Linn,		

In the House of Representatives—

A. A. Allphin,	W. F. Klair,	H. A Schoberth,
Robert H. Anderson,	Duncan Milliken,	John S. Steers,
P. W. Berkshire,	Jesse F. Nichols,	Geo. C. Waggoner,
O. Houston Brooks,	A. C. Oliver,	E. E. Wash,
Frank J. Brown,	W. V. Perry,	W. R. Whitlow,
J. T. Buford,	John C. Pirtle,	Geo. S. Wilson,
Wm. E. Dowling,	J. F. Porter,	J. Hal. Woodford,
F. E. Graves,	G. T. Reynolds,	Speaker Gooch —2
F. M. Hutcheson, Jr.		

It appearing that there was not a majority of all the members elected to both Houses present, the Speaker announced that there was not present a quorum of the joint Assembly.

Mr. Klair moved that the joint Assembly do now dissolve.

Said motion was agreed to.

The Senators retired and the Speaker called the House to order.

The reading of the Journal of the proceedings of Friday last the 24th inst., was dispensed with.

A message was received from the Senate announcing that they had passed a bill of the following title, viz:

S. B. 21. An act relating to registration in towns of the fifth and sixth classes, amending section 1486 of the Kentucky Statutes by striking out the words "fifth" and "sixth."

Said bill was ordered to be printed and referred to the Committee on Sufferages and Elections.

Upon the call of the counties and Representative districts, bills and a joint resolution were introduced and referred as follows, viz:

By Mr. Nichols:

H. B. 210. An Act to amend section 4643 of Kentucky Statutes.

Referred to Committee on Circuit Courts.

By same:

H. B. 211. An Act relating to the liabilitites in the State of Kentucky of any person or persons, company or companies corporation or corporations, their agent or servant to their employer.

Referred to Committee on Judiciary.

By same:

H. B. 212. An Act to amend and re-enact Section 3623 of the Kentucky Statutes.

Referred to Committee on Cities of Fourth, Fifth and Sixth Class.

By Mr. Haswell:

H. B. 213. An act to amend section 3643 of Kentucky Statutes, edited by Hon. John D. Carroll, edition 1903.

Referred to Committee on Cities of Fourth, Fifth and Sixth Class.

By Mr. Klair:

H. B. 214. An act providing for keeping in repair public side-

walks of cities of the second class and providing that owners of proof fronting or abutting on such side walks shall be liable to damages to any person injured by reason of any defect in, or unsafe condition of such sidewalks.

Referred to Committee on Municipalities.

By Mr. Klair:

H. B. 215. An act to regulate the practice of veterinary medicine, surgery and dentistry in the State of Kentucky, to empower the State Board of Health to carry out the regulations made and to punish the persons violating the provisions thereof.

Referred to Committee on Public Health.

By Mr. Klair:

H. B. 216. An act to amend and re-enact section 1738, Act 4, of Chapter 47, Kentucky Statutes, which act became a law June 15, 1893.

Referred to Committee on Kentucky Statutes.

By Mr. Klair:

H. B. 217. An act for the safety of employees of railroads in the State of Kentucky, while engaged in yard or switching service.

Referred to Committee on Railroads.

By Buford:

H. B. 218. An act to appropriate $3,212 to reimburse the City of Frankfort for money paid for extra police service in 1899 and 1900 while the contest for Governor was being tried.

Referred to Committee on Appropriations.

By Mr. Steers:

H. B. 219. An act to repeal section 606 of the Code of Practice in relation to husband and wife testifying.

Referred to Committee on Codes.

By same:

H. B. 220. An act permitting warehousemen to commingle tobacco of like grades.

Referred to Committee on Public Warehouses and Granaries.

By Mr. Brooks:

H. B. 221. An act to amend and and re-enact Section 1741, of Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

By Mr. Gwathmey:

H. B. 222. An act to amend Section 1726 of Kentucky Statutes.

Referred to Committee on Kentucky Statutes

By Mr. Hannah:

H. B. 223. An act entitled an act to repeal subdivisions 1 and 2, of Act 15, of Chapter 46, of Kentucky Statutes and to enact in lieu thereof an act entitled an act relative to property, wages, etc., exempt from attachment, distress, or fee bill in this Commonwealth.

Referred to Committee on Judiciary.

By same:

H. B. 224. An act to amend section 2101, Chapter 66, of Kentucky Statutes, entitled, "Marriages, valid, where contracted, valid here."

Referred to Committee on Judiciary.

By same:

H. B. 225. An act for the protection of railroad employes, forbidding certain rules, regulations, contracts, and agreements and declar-

ing them unlawful declaring it unlawful to use cars or locomotives which are defective or defective machinery or attachments, and declaring such corporations liable in certain cases for injuries received by its servants, on account of the carelessness or negligence of a fellow servant or employe.

Referred to Committee on Railroads.

By same:

H. B. 226. An act to promote the safety of employes and travelers by compelling common carriers by railroad in the State of Kentucky to equip their cars with automatic couplers, sill steps, grab irons, and continuous brakes, and their locomotives with driving wheel brakes, also to regulate the percentage of care controlled by brakes in charge of the engineer and to provide against the assumption of risk in certain cases.

Referred to Committee on Railroads.

By same:

H. B. 227. An act to repeal an act entitled an act to promote the sheep industry and provide a tax on dogs, etc.

Referred to Committee on Agriculture.

By Mr. Waggoner:

H. B. 128. An act to amend Chapter 21, of act of 1906, entitled an act to amend section 2560 of Kentucky Statutes, being a portion of Article 1, of Chapter 8, of Kentucky Statutes, entitled "Liquors, Intoxicating."

Referred to Committee on Pubilc Morals.

By Mr. Kinkead:

H. B. 229. An act to amend an act entitled "An act for government of cities of first class," approved July 1, 1893.

Referred to Committee on Municipalities.

By Mr. Emanuel Meyer:

H. B. 230. An act to amend section 2949, of Kentucky Statutes to compensate Board and Committee meetings.

Referred to Committee on Municipalities.

By Mr. Arnett:

H. B. 131. An act to appropriate money for the benefit of the Houses of Reform; to provide funds to pay the existing deficit and to make improvements at the Houses of Reform.

Referred to Committee on State Prisons and Houses of Reform.

By same:

H. B. 232. An act to amend an act entitled "An act to amend and re-enact as amended Section 1, of an act entitled "An act to provide for the operating expenses of the Houses of Reform, approved March 15, 1898," which act was approved March 21, 1902.

Referred to Committee on State Prisons and Houses of Reform.

By Mr. Perry:

H. B. 233. An act to repeal an act entitled "An act to incorporate the town of Homer," and repealing an "Act to amend the Charter of the town of Homer, Logan county, Ky."

Referred to Committee on Cities of Fourth, Fifth and Sixth Class.

Petitions of sundry citizens of their respective counties and Representative districts asking the enactment of a law requiring telegraph and telephone operators on railroads and train dispatchers to be at least 21 years of age, were presented by the following members, to-wit:

By Mr. Klair, of the city of Lexington.

By Mr. Gwathmey, of the county of Jefferson.

Which said petitions were severally received, their reading dis-

pensed with, and referred to the Committee on Corporate Institutions.

Mr. F. J. Brown presented the petition of sundry citizens of the town of Bloomfield, Nelson county, asking that Section 3681 of the Kentucky Statutes be amended so as to make the marshal of towns of the sixth class appointive by the board of trustees instead of elective by the qualified voters of said town.

Which was received, the reading thereof dispensed with and referred to the Committee on Cities of the Fourth, Fifth and Sixth Classes.

Mr. Gooch offered the following resolution, viz.:

Whereas, In assigning the chairmanship of the various committees in the House, it was found that there were just enough to give a chairmanship to each Democratic member, the Speaker feeling that as it was by their united vote that he was elected to the Speakership, they were justly entitled to this preferment, and

Whereas, Under a resolution passed, each of the committee chairmen being the entire Democratic membership is to be furnished with a copy of the Kentucky Statutes and Codes of Practice for his use during the session, and

Whereas, Under these conditions the entire Republican membership of the House would be denied the use of these books, and feeling that there are a number of lawyers, as well as laymen, among their membership who would appreciate having them, and believing that they would be better equipped to properly perform their duties to the State as Legislators by having said books in their possession:

Now therefore be it resolved, That the State Librarian be, and is hereby authorized to furnish every Republican member of this House a copy of the Kentucky Statutes and Codes of Practice for their use during the session, at the close of which they are to be returned to the Librarian, or, if retained, the holders thereof are to pay the Librarian the price at that time fixed on them by vote of the House.

Said resolution was agreed to.

Mr. Mueller moved that the House do now adjourn.

Said motion was agreed to.

TUESDAY, JANUARY 28, 1908.

The House was called to order by Hon. George S. Wilson as Speaker pro tem. under and by virture of the following communication. viz.:

Frankfort, Ky., January 28, 1908.

James E. Stone, Chief Clerk House of Representatives:

I have thus designated Hon. Geo. S. Wilson as Speaker pro tem. of the House to act as such during my illness or until I may designate another. This is done under Rule 9 of House, and you will note the fact on the Journal to-day.

W. J. GOOCH,

Speaker of the House of Representatives.

After prayer by the Rev. J. R. Ziegler, of the Presbyterian Church, Northern Assembly.

Mr. Woodford moved that the reading of the journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

The Speaker laid before the House to following communication, viz.:

January 24, 1908.

To the Members of the General Assembly,

Frankfort, Ky.

Gentlemen:

As required by the Kentucky Statutes I hand you herewith a

Report of the Treasurer, G. D. Sledge, of the Board of Regents of the Western Kentucky State Normal School in District No. 2, at Bowling Green for the years 1906-7.

Respectfully submitted.

J. G. CRABBE,
Superintendent of Public Instruction and
Chairman of the Board of Regents.

Said report was received, ordered to be filed, and referred to the Committee on State College and State Normal Schools.

Dr. Crecelius presented the petition of sundry citizens of Pendleton county asking for the enactment of the necessary laws to improve the road system in Kentucky.

Which was received, its reading dispensed with, and referred to the Committee on Internal Improvements.

The committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Nichols, of the Committee on Cities of the Fourth, Fifth and Sixth Classes:

H. B. 36. An act amending an act entitled, "An act for the government of cities of the fourth class" and approved June 28, 1893.

By Mr. J. H. Jackson, of the Committee on Library and Public Offices:

H. B. 11. An act to provide necessary clerical service for the Library of the Commonwealth.

By Mr. Enlow, of the Committee on Public Morals:

H. B. 228. An act to amend Chapter 21 of the acts of 1906, entitled, "An act to amend Section 2560 of the Kentucky Statutes, it being a portion of Article 1, of Chapter 81 of the Kentucky Statute, entitled "Liquors, Intoxicating."

Said bills were severally read the first time at length and ordered to be placed upon the calendar.

Mr. Klair offered the following resolution, viz.:

Be it resolved by the House of Representatives, the Senate concurring, That when adjournment is had on Thursday, January 30th, it be to meet again Monday at 12 o'clock, and that the intervening time the committees on State College and State Normal Schools, the two committees on Education, Charitable Institutions and State Prisons and Houses of Reform are hereby authorized and directed to visit and inspect said institutions, familarize themselves with the conditions and needs of said institutions and report same to the General Assembly.

Mr. Klair moved that the rules be suspended and that said resolution be taken up for consideration to-day.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Gwathmey and McChord were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson,	Wm. S. Markolf,	R. E. Stewart,
Louis W. Arnett,	Virgil McKnight,	W. H. Strange,
J. W. Berkshire,	Duncan Milliken,	J. B. Swann,
J. Will Clay,	Chris. Mueller,	D. P. Taggart,
Thurman B. Dixon,	C. C. Patrick,	Eugene W. Tandy,
Wm. E. Dowling,	John C. Pirtle,	C. S. Templeman,
Thos. E. Finley,	J. F. Porter,	Wm. M. Thompson,
C. W. G. Hannah,	R. S. Rector,	Geo. C. Waggoner,
Robert L. Harris,	G. T. Reynolds,	John P. Wallace,
R. Dillard Hunter.	Isaac G. Rice,	E. E. Wash,
F. M. Hutcheson, Jr.	H. A. Schoberth,	W. R. Whitlow,
W. F. Klair,	Robert C. Simmons,	W. C. Wynn,
Cleves G. Kinkead,	J. A. Sloan,	Geo. S. Wilson—41
E. W. Lillard,	Sawyer A. Smith,	

Those who voted in the negative were—

A. A. Allphin,	Dr. C. F. Crecelius,	W. J. Jackson,
O. P. Applegate,	John T. Davis,	W. H. Jones,
Elliott B. Beard,	W. A. B. Davis,	W. L. Kimbrough,
P. W. Berkshire,	J. A. Duff,	A. T. Knox,
F. Pierce Blair,	Robert Enlow,	Hugh Mahin,
O. Houston Brooks,	John Feland,	J. B. Maynard,
Frank J. Brown,	S. L. Givan,	W. C. McChord,
W. N. Brown, Jr.	R. L. Gwathmey,	Emanuel Meyer,
J. T. Buford,	J. P. Haswell, Jr.	Jesse F. Nichols,
Albert Butler,	W. W. Hopkins,	G. W. Parrott,
H. K. Cole,	R. F. Hutchinson,	Samuel J. Patrick,
W. A. Cope,	W. Harrison Isaacs,	W. V. Perry—38
Denver B. Cornett,	J. H. Jackson,	

Ordered that said resolution lie over under the rules.

A message was received from the Senate announcing that they had passed bills of the following titles, viz.:

S. B. 32. An act to authorize under certain conditions and restrictions the use of public highways, roads and turnpikes by persons, firms or corporations engaged in the manufacture, transmission and distribution of electricity for lighting, heating and power purposes.

S. B. 33. An act authorizing corporations organized or empowered to construct a dam or dams in any river or stream in this State for the purpose of improving navigation or developing, using, distributing and selling water power, electricity or electrical energy to exercise the right of eminent domain.

Said bills were ordered to be printed and were referred to the Committee on Corporate Institutions.

The hour of 12 o'clock meridian, having arrived, the hour for the execution of the joint order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of

office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided, the members of the Senate of Kentucky appeared and entered upon the floor of the House of Representatives, and in pursuance of a joint rule of the Senate and House of Representatives, Hon. Geo. S. Wilson, Speaker pro tem. of the House of Representatives, called the joint assembly to order. The Hon. W. H. Cox, Lieutenant Governor, and President of the Senate, took his seat on the left of the Speaker.

Senator Cureton offered the following resolution, viz.:

Resolved by the Joint Assembly, That in the event of the absence of the Speaker of the House, the President of the Senate, Hon. W. H. Cox, shall preside over this Joint Assembly.

Said resolution was disagreed to.

The roll was called and the following Senators and Representatives answered to their names, viz:

In the Senate—

R. B. Brown,	G. T. Jarvis,	Benjamin Sewell,
A. R. Burnam,	Ben F. Landrum,	Hillard H. Smith,
J. Wheeler Campbell,	Conn Linn,	Jno. T. Smith,
Albert H. Charlton,	P. S. Maxwell,	W. W. Tabb,
J. P. Chinn,	H. S. McNutt,	G. A. Taylor,
Thos. A. Combs,	L. C. Nell,	John L. Vice,
Nat. C. Cureton,	J. W. Newman,	Ed. E. Walker,
J. A. Donaldson,	A. J. Oliver,	J. J. Watkins,
C. B. Ecton,	R. W. Owen,	M. G. Watson,
B. C. Grigsby,	Sam H. Peters,	Geo. Wilhelmi,
O. P. Hogan,	E. K. Renaker,	J. W. Wright,
R. L. Hubble,	Frank Rives,	G. T. Wyatt—36

In the House of Representatives—

A. A. Allphin,	C. W. G. Hannah,	C. C. Patrick,
Robert H. Anderson,	Robert L. Harris,	Samuel J. Patrick,

O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
J. Will Clay,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Wm. E. Dowling,
J. A. Duff,
Robert Enlow,
John Feland,
Thos. E. Finley,
S. L. Givan,
R. L. Gwathmey,
J. P. Haswell, Jr.
R. Dillard Hunter,
F. M. Hutcheson, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
E. W. Lillard,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Virgil McKnight,
Emanuel Meyer,
Duncan Milliken,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
H. A. Schoberth,
Robert C. Simmons,
J. A. Sloan,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford 74

A quorum being present, the Joint Assembly proceeded, pursuant to law, to take another (the fifth) joint ballot in the selection of a Senator in the Congress of the United States from the State of Kentucky, as aforesaid, which resulted as follows, viz.:

In the Senate—

Those who voted for J. C. W. Beckham were—

R. B. Brown,
J. P. Chinn,
Thos. A. Combs,
J. A. Donaldson,
C. B. Ecton,
O. P. Hogan,
R. L. Hubble,
Conn Linn,
P. S. Maxwell,
J. W. Newman,
R. W. Owen,
Sam H. Peters,
E. K. Renaker,
Frank Rives,
W. W. Tabb,
J. J. Watkins,
M. G. Watson,
G. T. Wyatt.—18

Those who voted for Wm. O. Bradley were—

A. R. Burnam,	L. C. Nell,	John L. Vice,
Nat. C. Cureton,	A. J. Oliver,	Ed. E. Walker,
B. C. Grigsby,	Benjamin Sewell,	Geo. Wilhelmi,
G. T. Jarvis,	Jno. T. Smith,	J. W. Wright—14
Ben F. Landrum,	G. A. Taylor,	

Those who voted for James B. McCreary were—

Albert H. Charlton, H. S. McNutt,

Those who voted for J. C. S. Blackburn were—

J. Wheeler Campbell,

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

A. A. Allphin,	R. Dillard Hunter,	G. T. Reynolds,
Robt. H. Anderson,	F. M. Hutcheson, Jr.	H. A. Schoberth,
Elliott B. Beard,	J. H. Jackson,	Robert C. Simmons,
P. W. Berkshire,	Hugh Mahin,	J. B. Swann,
O. Houston Brooks,	W. C. McChord,	Eugene W. Tandy,
Frank J. Brown,	Duncan Milliken,	C. S. Templeman,
J. T. Buford,	Jesse F. Nichols,	Geo. C. Waggoner,
J. Will Clay,	A. C. Oliver,	E. E. Wash,
Dr. C. F. Crecelius,	W. V. Perry,	W. R. Whitlow,
Wm. E. Dowling,	John C. Pirtle,	Geo. S. Wilson,
Robert Enlow,	J. F. Porter,	J. Hal. Woodford 34
W. W. Hopkins,		

Those who voted for Wm. O. Bradley were—

O. P. Applegate,	C. W. G. Hannah,	G. W. Parrott,
F. Pierce Blair,	Robert L. Harris,	C. C. Patrick,
W. N. Brown, Jr.	J. P. Haswell, Jr.	Samuel J. Patrick,
Albert Butler,	R. F. Hutchinson,	R. S. Rector,
W. A. Cope,	W. Harrison Isaacs,	Isaac G. Rice,
Denver B. Cornett,	W. H. Jones,	J. A. Sloan,
John T. Davis,	W. L. Kimbrough,	Sawyer A. Smith,
W. A. B. Davis,	Cleves G. Kinkead,	R. E. Stewart,
J. A. Duff,	A. T. Knox,	W. H. Strange,
John Feland,	Wm. S. Markolf,	D. P. Taggart,
Thos. E. Finley,	J. B. Maynard,	John P. Wallace,
S. L. Givan,	Emanuel Meyer,	W. C. Wynn—37
R. L. Gwathmey,		

Those who voted for John R. Allen were—

W. F. Klair, E. W. Lillard, Virgil McKnight,

Those who voted for David W. Baird were—

Chris. Mueller,

In summing up the vote of the Joint Assembly, it was found to stand thus:

For J. C. W. Beckham	52 votes.
For William O. Bradley	51 votes.
For John R. Allen	3 votes.
For James B. McCreary	2 votes.
For J. C. S. Blackburn	1 vote.
For David W. Baird	1 vote.
Total number of votes cast	110

No one person having received a majority of all the votes cast, a a majority of all the members elected to both Houses being present and voting, Hon. Geo. S. Wilson, Speaker pro tem. of the House of Representatives, presiding, announced that no election had been had.

The following pairs were announced:

Mr. Senator Hillard Smith with Mr. Senator E. M. Taylor. Mr. Smith, if present, would vote for Mr. Bradley, and Mr. Taylor, if present would vote for Mr. Beckham.

Mr. Senator Bosworth with Mr. Sullivan. Mr. Bosworth, if present would vote for Mr. Bradley, and Mr. Sullivan, if present, would vote for Mr. Beckham.

Mr. Arnett with Mr. Lowder. Mr. Arnett, if present, would vote for Mr. Beckham, and Mr. Lowder, if present would vote for Mr. Bradley.

Mr. Moore with Mr. J. W. Berkshire. Mr. Moore, if present, would vote for Mr. Bradley, and Mr. Berkshire, if present, would vote for Mr. Beckham.

Mr. H. L. Myers with Mr. Edmunds. Mr. Myers, if present, would vote for Mr. Bradley, and Mr. Edmunds, if present, would vote for Mr. Beckham.

Mr. T. C. Jackson with Mr. Richardson. Mr. Jackson, if present, would vote for Mr. Bradley, and Mr. Richardson, if present, would vote for Mr. Beckham.

Mr. Thompson with Mr. Shanklin. Mr. Thompson, if present, would vote for Mr. Beckham, and Mr. Shanklin, if present, would vote for Mr. Bradley.

Mr. Chase with Mr. W. J. Jackson. Mr. Chase, of present, would vote for Mr. Bradley, and Mr. Jackson if present, would vote for Mr. Beckham.

Mr. Shanks with Mr. Dixon. Mr. Shanks, if present, would vote for Mr. Beckham, and Mr. Dixon, if present, would vote for Mr. Bradley.

Mr. Graves with Mr. Perryman. Mr. Graves, if present, would vote for Mr. Beckham, and Mr. Perryman, if present, would vote for Mr. Bradley.

Mr. John L. Smith with Mr. Denham. Mr. Smith, if present, would vote for Mr. Beckham, and Mr. Denham, if present, would vote for Mr. Bradley.

Mr. Stump with Mr. Lee. Mr. Stump, if present, would vote for Mr. Beckham, and Mr. Lee, if present, would vote for Mr. Bradley.

Mr. Gooch with Mr. Weitkamp. Mr. Gooch, if present, would vote for Mr. Beckham, and Mr. Weitkamp, if present, would vote for Mr. Bradley.

Mr. Steers with Mr. Cole. Mr. Steers, if present, would vote for Mr. Beckham, and Mr. Cole, if present, would vote for Mr. Bradley.

Senator Newman moved that the Joint Assembly do now dissolve.

Said motion was agreed to.

The Senators retired and the Speaker pro tem. called the House to order.

Mr. Mueller moved that the House do now adjourn until 10:45 tomorrow morning.

Said motion was agreed to.

WEDNESDAY, JANUARY 29, 1908.

The House was opened with prayer by Rev. J. R. Ziegler, of the Presbyterian Church, Northern Assembly, Mr. Speaker Gooch in the chair.

The reading of the journal of yesterday's proceedings was dispensed with.

Mr. Klair called up for consideration from the Clerk's desk a concurrent resolution offered by himself on yesterday.

(For resolution see yesterday's Journal.)

Mr. Wilson moved to amend said resolution by striking out the words "Monday at 12 o'clock" and inserting in lieu thereof the words "Tuesday, February 4th."

Said amendment was agreed to.

Said resolution as amended was agreed to.

The yeas and nays being required thereon by Messrs. Gwathmey and McChord, were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	John Feland,	H. L. Myers,
Robt. H. Anderson,	Thos. E. Finley,	Garfield Moore,
O. P. Applegate,	S. L. Givan,	Chris. Mueller,
Louis W. Arnett,	C. W. G. Hannah,	Jesse F. Nichols,
J. W. Berkshire,	Robert L. Harris,	A. C. Oliver,
P. W. Berkshire,	F. M. Hutcheson, Jr.	G. W. Parrott,
F. Pierce Blair,	R. F. Hutchinson,	C. C. Patrick,
O. Houston Brooks,	W. Harrison Isaacs,	J F. Porter,
Frank J. Brown,	W. J. Jackson,	R. S. Rector,
W. N. Brown, Jr.	W. H. Jones,	Isaac G. Rice,
J. T. Buford,	W. F. Klair,	W. H. Shanks,
Albert Butler,	Cleves G. Kinkead,	John T. Shanklin,
J. Will Clay,	A. T. Knox,	Sawyer A. Smith,
H. K. Cole,	E. W. Lillard,	R. E. Stewart,
W. A. Cope,	Jasper D. Lowder,	C. S. Templeman,
Denver B. Cornett,	Wm. S. Markolf,	J. P. Wallace,
John T. Davis,	J. B. Maynard,	Harry Weitkamp,
W. A. B. Davis,	Virgil McKnight,	Geo. S. Wilson,
Thurman B. Dixon,	Emanuel Meyer,	J. Hal. Woodford 58
Wm. E. Dowling,		

Those who voted in the negative were—

J. A. Duff,	Hugh Mahin,	J. B. Swann,
Robert Enlow,	W. C. McChord,	Eugene W. Tandy,
R. L. Gwathmey,	Duncan Milliken,	Wm. M. Thompson,
W. W. Hopkins,	John C. Pirtle,	Geo. C. Waggoner,
R. Dillard Hunter,	G. T. Reynolds,	E. E. Wash,
J. H. Jackson,	Robert C. Simmons,	W. R. Whitlow,
W. L. Kimbrough,	W. H. Strange,	W. C. Wynn —21

Mr. Arnett moved that a committee be appointed to report said resolution to the Senate.

Said motion was agreed to.

The Speaker appointed Messrs. Arnett and Mueller as such committee.

Mr. Strange offered the following resolution, viz.:

Whereas, A large per cent of the members of this House have colds,

and no ventilation can be had unless producing a draft of air on some one member or members and the health and comfort of this House depends upon a wholesome amount of pure air.

Be it resolved, That the members refrain from smoking during the sessions of this House.

Mr. Klair offered the following amendment, viz.:

Amend by inserting the words "chewing tobacco."

Mr. McKnight moved that said resolution and amendment be referred to the Committee on Public Morals.

Said motion was agreed to.

Mr. Wilson offered the following resolution, viz.:

Whereas, In the recent political campaign in this State it was freely and regularly stated and charged to the people throughout this Commonwealth by the Republican candidates for state offices in public speeches that the State Capitol Commission employed an architect to furnish plans and specifications for the new State Capitol building at an exorbitant fee, and

Whereas, It was impliedly stated, if not positively charged, in the same speeches by the same parties, that there was a great deal of graft, extravagance and fraud connected with the letting of the contracts, and the erection of the said new capitol building, and

Whereas, The Kentucky State Capitol Commission was by the same parties compared with the State Capitol Commission of Pennsylvania, where extravagance, fraud and graft is admitted by all men to have run rampant, and

Whereas, The people of this Commonwealth desire and have a right to be informed as to the truth or falsity of these accusations and charges against the then officers of this Commonwealth. Therefore be it

Resolved, That the Speaker of this House of Representatives appoint a committee composed of five Representatives, three Democrats and two Republicans, whose duty it shall be to thoroughly investigate these charges of graft, extravagance and fraud, and report its findings back to this House as soon as it can conveniently do so.

This committee shall have the power to summon and examine witnesses who profess or have professed to know anything about these charges of alleged graft, extravagance and fraud.

Said resolution was agreed to.

A message was received from the Senate announcing that they had concurred in a resolution adopted by the House entitled:

H. Res. 3. Resolution providing for adjournment of Senate and House from Thursday, 30th, inst. (For Res. see yesterday's Journal) till Tuesday, February 4th.

The committees to which the same had been referred reported bills of the following titles, viz:

By Mr. Wash, of the Committee on Agriculture:

H. B. 145. An act to promote and regulate the tobacco industry in Kentucky.

Together with an amendment thereto by way of a substitute therefor.

Said bill was read the first time at length, and ordered to be placed upon the calendar.

Mr. McChord moved that the amendment by way of substitute as proposed to said bill by the Committee on Agriculture be ordered printed for the use of the members.

Said motion was agreed to.

By Mr. Wash, of the Committee on Agriculture:

H. B. 101. An act to amend Section 3 of an act of the General Assembly of Commonwealth of Kentucky, approved March 21, 1906, entitled, "An act permitting persons to combine or pool their crops of wheat, tobacco and other products and sell the same as a while, and making contracts in pursuance thereof valid, being Chapter 117 of the Act of the General Assembly of the Commonwealth of Kentucky for the year 1906.

Said bill was read the first time at length and ordered to be placed upon the calendar.

The hour of 12 o'clock, meridian, having arrived, the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided, the members of the Senate of the State of Kentucky appeared and entered upon the floor of the House of Representatves; and in pursuance of a joint rule of the Senate and House of Representatives. Hon. W. J. Gooch, Speaker of the House of eRpresentatives, presided over the joint Assembly. Hon. W. H. Cox, Lieutenant Governor, and President of the Senate, took his seat on the left of the Speaker.

The members of the two Houses were convened in joint Assembly, the same being composed of a majority of all the members elected to both Houses. The roll was called and the following Senators and Representatives answered to their names, viz:

In the Senate.

Joe F. Bosworth,	R. L. Hubble,	Frank Rives,
R. B. Brown,	G. T. Jarvis,	Benjamin Sewell,
A. R. Burnam,	Ben F. Landrum,	Hillard H. Smith,
J. Wheeler Campbell,	Conn Linn,	W. W. Tabb,
Albert H. Charlton,	P. S. Maxwell,	G. A. Taylor,

J. P. Chinn,
Thos. A. Combs,
Nat. C. Cureton,
J. A. Donaldson,
C. B. Ecton,
B. C. Grigsby,
O. P. Hogan,
H. S. McNutt,
L. C. Nell,
J. W. Newman,
A. J. Oliver,
R. W. Owen,
Sam H. Peters,
E. K. Renaker,
John L. Vice,
Ed. E. Walker,
J. J. Watkins,
M. G. Watson,
Geo. Wilhelmi,
J. W. Wright,
G. T. Wyatt,—36

In the House of Representatives—

A. A. Allphin,
Robt. H. Anderson,
O. P. Applegate,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
Robert Enlow,
John Feland,
Thos. E. Finley,
S L. Givan,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Virgil McKnight,
Emanuel Meyer,
Duncan Milliken,
Garfield Moore,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
Robert C. Simmons,
J. A. Sloan,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford.
Speaker Gooch—86

The journals of yesterday of both Houses, pertaining to the proceedings had in the joint Assembly, were read and approved.

It appearing upon reading of the Journals aforesaid that no one person had received a majority of all the votes of said joint Assembly, a majority of all the members elected to both Houses being present and voting, the joint Assembly proceeded, pursuant to law, to take another (the sixth) joint ballot in the selection of a Senator in the Congress of the United States from the State of Kentucky, as aforesaid, which resulted as follows, viz:

In the Senate—

Those who voted for J. C. W. Beckham were—

R. B. Brown,	R. L. Hubble,	E. K. Renaker,
J. P. Chinn,	Conn Linn,	Frank Rives,
Thos. A. Combs,	P. S. Maxwell,	W. W. Tabb,
J. A. Donaldson,	J. W. Newman,	J. J. Watkins,
C. B. Ecton,	R. W. Owen,	M. G. Watson,
O. P. Hogan,	Sam H. Peters,	G. T. Wyatt.—18.

Those who voted for Wm. O. Bradley were—

Joe F. Bosworth,	Ben F. Landrum,	G. A. Taylor,
A. R. Burnam,	L. C. Nell,	John L. Vice,
Nat. C. Cureton,	A. J. Oliver,	Ed. E. Walker,
B. C. Grigsby,	Benjamin Sewell,	Geo. Wilhelmi,
G. T. Jarvis,	Jno. T. Smith,	J. W. Wright—15

Those who voted for John R. Allen were—

J. Wheeler Campbell,	Albert H. Charlton,	H. S. McNutt,

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

A. A. Allphin,	F. M. Hutcheson, Jr.	W. H. Shanks,
Robt. H. Anderson,	J. H. Jackson,	Robert C. Simmons,
Elliott B. Beard,	W. J. Jackson,	J. A. Sullivan,
J. W. Berkshire,	Hugh Mahin,	J. B. Swann,
P. W. Berkshire,	W. C. McChord,	Eugene W. Tandy,
O. Houston Brooks,	Duncan Milliken,	C. S. Templeman,

Frank J. Brown,	Jesse F. Nichols,	Wm. M. Thompson,
J. T. Buford,	A. C. Oliver,	Geo. C. Waggoner,
J. Will Clay,	W. V. Perry,	E. E. Wash,
Dr. C. F. Crecelius,	John C. Pirtle,	W. R. Whitlow,
Wm. E. Dowling,	J. F. Porter,	Geo. S. Wilson,
Robert Enlow,	G. T. Reynolds,	J. Hal. Woodford,
R. Dillard Hunter,	H. A. Schoberth,	Speaker Gooch—39

Those who voted for Wm. O. Bradley were—

O. P. Applegate,	C. W. G. Hannah,	G. W. Parrott,
F. Pierce Blair,	Robert L. Harris,	C. C. Patrick,
W. N. Brown, Jr.	John P. Haswell, Jr.	Samuel J. Patrick,
Albert Butler,	R. F. Hutchinson,	R. S. Rector,
H. K. Cole,	W. Harrison Isaacs,	Isaac G. Rice,
W. A. Cope,	W. H. Jones,	John T. Shanklin,
John T. Davis,	W. L. Kimbrough,	J. A. Sloan,
W. A. B. Davis,	Cleves G. Kinkead,	Sawyer A. Smith,
Thurman B. Dixon,	A. T. Knox,	R. E. Stewart,
J. A. Duff,	Jasper D. Lowder,	W. H. Strange,
John Feland,	Wm. S. Markolf,	D. P. Taggart,
Thos. E. Finley,	J. B. Maynard,	John P. Wallace,
S. L. Givan,	Emanuel Meyer,	Harry Weitkamp,
R. L. Gwathmey;	Garfield Moore,	W. C. Wynn—42

Those who voted for John R. Allen were—

W. F. Klair,	E. W. Lillard,	Virgil McKnight,
Chris. Mueller,		

Those who voted for J. C. Mayo were—

W. W. Hopkins,

In summing up the vote of the joint Assembly, it was found to stand thus:

For J. C. W. Beckham	57 votes.
For William O. Bradley	57 votes.
For John R. Allen	7 votes.
For John J. C. Mayo	1 vote.
Total number of votes cast	122

No one person having received a majority of all the votes cast, a majority of all the members elected to both Houses being present and voting, Hon. W. J. Gooch, Speaker of the House aforesaid, announced that no election was had.

The following pairs were announced:

Senator Hillard H. Smith with Senator E. M. Taylor.

Mr. Smith if present would vote for Mr. Bradley, and Mr. Taylor if present would vote for Mr. Beckham.

Mr. H. L. Meyers with Mr. Edmunds.

Mr. Meyers, if present, would vote for Mr. Bradley, and Mr. Edmunds, if present, would vote for Mr. Beckham.

Mr. Steers with Mr. Cornett.

Mr. Steers, if present, would vote for Mr. Beckham, and Mr. Cornett, if present, would vote for Mr. Bradley.

Mr. T. C. Jackson with Mr. Richardson.

Mr. Jackson, if present, would vote for Mr. Bradley and Mr. Richardson, if present, would vote for Mr. Beckham.

Mr. Graves with Mr. Perryman.

Mr. Graves, if present would vote for Mr. Beckham, and Mr. Perryman, if present, would vote for Mr. Bradley.

Mr. John L. Smith with Mr. Denham.

Mr. Smith, if present, would vote for Mr. Beckham, and Mr. Denham, if present, would vote for Mr. Bradley.

Mr. Stump with Mr. Lee.

Mr. Stump, if present, would vote for Mr. Beckham, and Mr. Lee, if present, would vote for Mr. Bradley.

Mr. Arnett with Mr. Chase.

Mr. Arnett, if present, would vote for Mr. Beckham, aand Mr. Chase, if present, would vote for Mr. Bradley.

Mr. Mueller moved that the joint assembly do now dissolve.

Said motion was agreed to.

The Senators retired and the Speaker called the House to order.

The committees to which the same had been referred reported bills of the following titles, viz:

By Mr. Pirtle, of the Committee on Education No. 1:

H. B. 108. An act to amend Section 4375 of the Kentucky Statutes, Carroll's edition, 1903.

By Mr. Dowling, of the Committee on Kentucky Statutes:

H. B. 103. An act to prevent the sale or transfer of personal property where the possession is in one person and the title thereto is vested in another.

Said bills were severally read the first time in length and ordered to be placed upon the calendar.

By Mr. Dowling, of the Committee on Kentucky Statutes:

H. B. 137. An act relating to Public Printing, Binding and Stationery and to more clearly define the duties of the Public Printer.

Without any expression of opinion.

Mr. Dowling moved that said bill be recommitted to the committee on Printing.

Said motion was agreed to.

Mr. Hannah moved that the House do now adjourn.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Waggoner and Wilson were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson,	S. L. Givan,	Garfield Moore,
O. P. Applegate,	R. L. Gwathmey,	Chris. Mueller,
Louis W. Arnett,	C. W. G. Hannah,	G. W. Parrott,
J. W. Berkshire,	Robert L. Harris,	C. C. Patrick,
F. Pierce Blair,	John P. Haswell, Jr.	Samuel J. Patrick,
W. N. Brown, Jr.	R. Dillard Hunter,	R. S. Rector,
Albert Butler,	R. F. Hutchinson,	Isaac G. Rice,
J. Will Clay,	W. Harrison Isaacs,	H. A. Schoberth,
H. K. Cole,	W. F. Klair,	J. A. Sloan,
W. A. Cope,	W. L. Kimbrough,	Sawyer A. Smith,
Denver B. Cornett,	Cleves G. Kinkead,	R. E. Stewart,
John T. Davis,	A. T. Knox,	W. H. Strange,
W. A. B. Davis,	E. W. Lillard,	J. A. Sullivan,
Thurman B. Dixon,	Jasper D. Lowder,	D. P. Taggart,
Wm. E. Dowling,	Wm. S. Markolf,	John P. Wallace,
J. A. Duff,	J. B. Maynard,	Harry Weitkamp,
John Feland,	Emanuel Meyer,	W. C. Wynn,
Thos. E. Finley,	H. L. Myers,	J. H. Woodford—54

Those who voted in the negative were—

A. A. Allphin,	W. J. Jackson,	John T. Shanklin,
Elliott B. Beard,	Hugh Mahin,	Robert C. Simmons,
P. W. Berkshire,	W. C. McChord,	J. B. Swann,
O. Houston Brooks,	Virgil McKnight,	Eugene W. Tandy,
Frank J. Brown,	Duncan Milliken,	C. S. Templeman,
J. T. Buford,	Jesse F. Nichols,	Wm. M. Thompson,
Dr. C. F. Crecelius,	John C. Pirtle,	Geo. C. Waggoner,
Robert Enlow,	J. F. Porter,	E. E. Wash,
F. M. Hutcheson, Jr.	G. T. Reynolds,	W. R. Whitlow,
J. H. Jackson,	W. H. Shanks,	Geo. S. Wilson—30

THURSDAY, JANUARY 30, 1908.

The House was opened with prayer by Rev. J. R. Ziegler, of the Presbyterian church, Northern Assembly.

The reading of the Journal of yesterday's proceedings was dispensed with.

Upon the call of the counties and Representative districts, bills and joint resolutions were introduced and referred as follows, viz.:

By Mr. Nichols:

H. B. 234. Act to repeal Chapter 22, entitled "An act relating to Revenue and Taxation," Article 17 relating to revenue agents, approved March 15, 1906.

Referred to Committee on Revenue and Taxation.

By same:

H. B. 235. An act to establish a sub-experiment station in Eastern Kentucky, and a like station in Western Kentucky.

Referred to Committee on Agriculture.

By Mr. Haswell:

H. B. 236. An act to amend an act entitled "An act relating to Revenue and Taxation" which was approved March 15, 1906.

Referred to Committee on Revenue and Taxation.

By same:

H. B. 237. An act to amend and re-enact subsection 6 of section 4370, chapter 113, article 2, of Kentucky Statutes.

Referred to Committee on Education No. 1.

By same:

H. B. 238. An act to amend an act entitled "An act concerning the education of children" which became a law March 28, 1896, being known as Section 4521-a of Kentucky Statutes.

Referred to Committee on Education No. 1.

By Mr. Cope:

H. B. 239. An act to amend Chapter 63 of the acts of 1906, entitled "An act to regulate the carrying, moving, delivering, transferring and distributing of intoxicating liquors in local option districts.

Referred to Committee on Public Morals.

By Mr. Cole:

H. B. 240. An act dividing the State into 100 Representative Districts.

Referred to Committee on Redistricting.

By Mr. P. W. Berkshire:

H. B. 241. An act to amend subsection 2412-a, Article 8, Chapter 76 Kentucky Statutes, relating to public ditches and creeks.

Referred to Committee on Internal Improvements.

By Mr. Knox:

H. B. 242. An act to amend an act entitled an act to protect citizens of this Commonwealth from empiricism, approved April 10, 1892, and act amendatory thereto, being Article 1, Chapter 85, of Kentucky Statutes as amended by act, approved March 18, 1904, in acts of 1904.

Referred to Committee on Public Health.

By Mr. C. C. Patrick:

H. B. 243. An act dividing the State into 38 Senatorial districts.

Referred to Committee on Redistricting.

By Mr. F. M. Hutcheson:

H. B. 244. An act to provide for the medical examination and inspection of the public schools in cities of the third class.

Referred to Committee on Public Health.

By same:

H. B. 245. An act to amend Section 528 of the Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

By Mr. Waggoner:

H. B. 246. An act regulating the growth of tobacco and penalties for the violation of said act.

Referred to Committee on Agriculture.

By same:

H. B. 247. An act to amend Sections 24 and 25 of Article 2, of acts of 1906, know as Revenue and Taxation.

Referred to Committee on Revenue and Taxation.

By Mr. Wallace:

H. B. 248. An act to provide for State Board of Examiners for terminal and inter-change car and inspections.

Referred to Committee on Railroads.

By Mr. Mahin:

H. B. 249. An act to protect religious worship in assemblages known as associations, camp meetings, etc.

Referred to Committee on Public Works.

By Mr. Arnett:

H. B. 250. An act to amend Section 2, of Article 1, of an act relating to revenue and taxation.

Referred to Committee on Revenue and Taxation.

By Mr. S. A. Smith:

H. B. 251. An act creating the county of Stearns.

Referred to Committee on County and City Courts.

By Mr. John L. Smith:

H. B. 252. An act to amend the charter of towns of the Sixth class.

Referred to Committee on Cities of Fourth, Fifth and Sixth Class.

By Mr. T. C. Jackson:

H. B. 253. An act to amend an act, entitled "An act to amend an act, entitled an act to amend Section 19, Chapter 4, of an act entitled an act to create a Board of Penitentiary Commissioners and regulating the penal institutions of this Commonwealth, session acts, 1898," being Chapter 106 of year 1904, approved March 24, 1904.

Referred to Committee on State Prisons and Houses of Reform.

By Mr. McKnight:

H. B. 254. An act to amend an act relating to private corporations.

Referred to Committee on Corporate Institutions.

By Mr. J. H. Jackson:

H. B. 225. An act to fix certain duties of the Superintendent of

Public Instruction, etc.

Referred to Committee on Education No. 2.

By Mr. Beard:

H. B. 256. An act to prohibit corporations engaged in the business of common carriers from engaging in any other business, and to prevent them from holding, owning, leasing or acquiring any mines, factories or timber, or any interest therein, except such as may be necessary to carry on their business.

Referred to Committee on Judiciary.

By same:

H. B. 257. An act to amend Section 1882, Chapter 52, Article 5, of Kentucky Statutes, Carroll's edition of 1903, entitled Fiscal Courts.

Referred to Committee on County and City Courts.

By Mr. Milliken:

H. B. 258. An act to create a State Highway Commission, to define its powers and duties, the term of office, salary and qualifications of Commissioners, to authorize the Commissioners to use the State penitentiary convicts, and other persons sentenced to hard labor and prison, to call into consultation, the professors of civil engineering in the State College or State University and to appropriate money to carry the provisions of this act into effect.

Referred to Committee on Internal Improvements.

By same:

H. B. 259. An act to regulate the admission of attorneys to practice law.

Referred to Committee on Kentucky Statutes.

By Mr. Schoberth:

H. B. 260. An act to encourage the establishment of private contribution of sanitoria for the care and treatment of persons suffering with tuberculosis.

Referred to Committee on Public Health.

By Mr. Klair:

H. B. 261. An act relating to children, who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the power of the several county courts within this Commonwealth with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised.

Referred to Committee on Municipalities.

By same:

H. B. 262. An act fixing and defining the powers of the several county courts within this Commonwealth with reference to persons responsible for, or directly promoting or contributing to the conditions that render the child dependant, neglected or delinquent, and providing how such powers may be exercised.

Referred to Committee on Municipalities.

By Mr. S. A. Smith:

H. B. 263. An act dividing the State of Kentucky into eleven congressional districts.

Referrred to Committee on redistricting.

By Mr. Nichols:

H. B. 264. An act to amend Section 203 and 304 of the Kentucky Code of Practice in criminal cases.

Referred to Committee on Kentucky Statutes.

By Mr. Wynn:

Joint Resolution 4. Resolution for the benefit of H. D. Arnold. To allow him $58.58 expenses for coming from Texas to testify in murder case in Garrard county.

Referred to Committee on Claims.

By Mr. Markolf:

Joint Resolution 5. Providing for the reimbursement to one Pius Bartholemew for an amount paid to the county of Jefferson for and unused and revoked license.

Referred to Committee on Claims.

The committees to which the same had been referred reported the following bills, viz.:

By Mr. Arnett, of the Committee on Circuit Courts:

H. B. 144. An act to fix the salary of the Judges of the Circuit Courts.

With an amendment thereto.

By Mr. Klair, of the Committee on Municipalities:

H. B. 21. An act to provide for the care, custody and maintenance of Court Houses and Court Rooms, and offices therein and public grounds adjacent thereto in counties having therein courts of continuous session.

By same, of same Committee:

H. B. 22. An act providing for the creation, control and disposition of a fund to be used under certain conditions pensioning policemen and the families of deceased policemen in cities of the Second Class.

By Mr. Crecelius, of the Committee on Public Health:

H. B. 157. An act preventing the manufacturer and sale of adulterated or misbranded foods, drugs, medicines and liquors.

With an amendment thereto by way of a substitute therefor.

By Mr. Klair, of the Committee on Rules:

S. Res. 2. Resolution providing for furnishing the Codes of Practice, Kentucky Statutes, Official Manual and copies of the Governor's message.

With amendments thereto.

By same, of same committee:

S. B. 11. An act to provide the Senate and House of Representatives of the State of Kentucky with messengers and stenographers or copyists during the present session of the General Assembly.

With an amendment thereto by way of substitute therefor.

By same, of same committee:

S. B. 12. An act to provide a stenographer for the use of the Governor of the Commonwealth of Kentucky.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

By Mr. McChord, of the Committee on Revenue and Taxation:

H. B. 77. An act to define and regulate the assessment of stock in corporations incorporated under the laws of Kentucky and the States and Territories of the United States.

With an amendment thereto by of a substitute therefor

Said bill was read the first time at length and ordered to be placed upon the calendar.

Mr. McChord moved that the substitute amendment as proposed by the Committee on Revenue and Taxation to the last above named bill be ordered printed.

Said motion was agreed to.

The House took up for consideration from the calendar a bill entitled:

H. B. 228. An act to amend Chapter 21 of the Acts of 1906, entitled, An act to amend Section 2560 of the Kentucky Statutes, it being a portion of Article 1 of Chapter 81 of the Kentucky Statutes, entitled "Liquors, Intoxicating."

Ordered, that said bill be read the second time.

The provision of the Constitution as to the reading of said bill the second time at length being dispensed with, the said bill was read the second time by its title.

Mr. Klair moved that said bill be recommitted to the Committee on Kentucky Statutes.

Mr. Wilson as a substitute amendment to said motion that said bill be recommitted to the Committee on Public Morals.

Said motion was agreed to.

The yeas and nays being required on said motion by Messrs. Hannah and Wilson, were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	W. W. Hopkins,	Isaac G. Rice,
Elliott B. Beard,	R. F. Hutchinson,	H. A. Schoberth,
J. W. Berkshire,	W. Harrison Isaacs,	W. H. Shanks,
P. W. Berkshire,	J. H. Jackson,	John T. Shanklin,
F. Pierce Blair,	W. J. Jackson,	John L. Smith,
O. Houston Brooks,	W. H. Jones,	J. A. Sullivan,
Frank J. Brown,	Hugh Mahin,	J. B. Swann,

W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
H. K. Cole,
Dr. C. F. Crecelius,
Robert Enlow,
R. L. Gwathmey,
John P. Haswell, Jr.
Jesse F. Nichols,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson.
Geo. C. Waggoner,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson—45

Those who voted in the negative were—

Robert H. Anderson,
O. P. Applegate,
Louis W. Arnett,
Denver B. Cornett,
John T. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
John Feland,
S. L. Givan,
C. W. G. Hannah,
Robert L. Harris,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
T. C. Jackson,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
E. W. Lillard,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Garfield Moore,
Chris. Mueller,
G. L. Perryman,
Robert C. Simmons,
J. A. Sloan,
Sawyer A. Smith,
R. E. Stewart,
John P. Wallace,
J. Hal. Woodford—36

The hour of 12 o'clock, meridian, having arrived, the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided, the members of the Senate of Kentucky appeared and entered upon the floor of the House of Representatives, and in pursuance of a joint rule of the Senate and House of Representatives, Hon. W. J. Gooch, Speaker of the House of Representatives, presided over the joint Assembly. Hon. W. H. Cox, Lieutenant Governor, and

President of the Senate, took his seat on the left of the Speaker.

The members of the two Houses were convened in joint Assembly, the same being composed of a majority of all members elected to both Houses. The roll was called and the following Senators and Representatives answered to their names, viz.:

In the Senate—

Joe F. Bosworth,
R. B. Brown,
A. R. Burnam,
J. Wheeler Campbell,
Albert H. Charlton,
J. P. Chinn,
Thos. A. Combs,
Nat. C. Cureton,
J. A. Donaldson,
C. B. Ecton,
B. C. Grigsby,
O. P. Hogan,
R. L. Hubble,
G. T. Jarvis,
Ben F. Landrum,
Conn Linn,
P. S. Maxwell,
H. S. McNutt,
L. C. Nell,
J. W. Newman,
A. J. Oliver,
R. W. Owen,
Sam H. Peters,
E. K. Renaker,
Frank Rives,
Hillard H. Smith,
John T. Smith,
W. W. Tabb,
E. M. Taylor,
G. A. Taylor,
John L. Vice,
Ed. E. Walker,
J. J. Watkins,
M. G. Watson,
Geo. Wilhelmi,
J. W. Wright,
G. T. Wyatt—37

In the House of Representatives—

A. A. Allphin,
Robt. H. Anderson,
O. P. Applegate,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
J. Will Clay,
J. P. Haswell, Jr.
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
W. F. Klair.
W. L. Kimbrough,
Cleves G. Kinkead,
W. V. Perry,
John C. Pirtle,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
R. E. Stewart,
J. A. Sullivan,

W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
Robert Enlow,
John Feland,
S. L. Givan,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
Virgil McKnight,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Garfield Moore,
Chris. Mueller,
Jesse F. Nichols,
C. C. Patrick,
Samuel J. Patrick,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
J. P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn
Geo. S. Wilson,
J. Hal. Woodford
Speaker Gooch—83

The journals of yesterday of both Houses, pertaining to the proceedings had in joint Assembly, were read and approved.

It appearing upon reading of the Journals aforesaid that no one person had received a majority of all the votes of said joint Assembly, a majority of all the members elected to both Houses being present and voting, the joint Assembly proceeded, pursuant to law, to take another (the seventh) joint ballot in the selection of a Senator in the Congress of the United States from the State of Kentucky, as aforesaid, which resulted as follows, viz.:

In the Senate—

Those who voted for J. C. W. Beckham were—

R. B. Brown,
J. P. Chinn,
Thos. A. Combs,
J. A. Donaldson,
C. B. Ecton,
O. P. Hogan,
R. L. Hubble,
Conn Linn,
P. S. Maxwell,
J. W. Newman,
R. W. Owen,
Sam H. Peters,
E. K. Renaker,
Frank Rives,
W. W. Tabb,
E. M. Taylor,
J. J. Watkins,
M. G. Watson,
G. T. Wyatt—19

Those who voted for Wm. O. Bradley were—

Joe F. Bosworth,	Ben F. Landrum,	G. A. Taylor,
A. R. Burnam,	L. C. Nell,	John L. Vice,
Nat. C. Cureton,	A. J. Oliver,	Ed. E. Walker,
B. C. Grigsby,	Hillard H. Smith,	Geo. Wilhelmi,
G. T. Jarvis,	John T. Smith,	J. W. Wright—15

Those who voted for John R. Allen were—

J. Wheeler Campbell, Albert H. Charlton, H. S. McNutt,

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

A. A. Allphin,	R. Dillard Hunter,	Robert C. Simmons,
Robert H. Anderson,	F. M. Hutcheson, Jr.	John L. Smith,
Elliott B. Beard,	J. H. Jackson,	J. A. Sullivan,
J. W. Berkshire,	W. J. Jackson,	J. B. Swann,
P. W. Berkshire,	Hugh Mahin,	Eugene W. Tandy,
O. Houston Brooks,	Duncan Milliken,	C. S. Templeman,
Frank J. Brown,	Jesse F. Nichols,	Wm. M. Thompson,
J. T. Buford,	W. V. Perry,	Geo. C. Waggoner,
J. Will Clay,	John C. Pirtle,	E. E. Wash,
Dr. C. F. Crecelius,	J. F. Porter,	W. R. Whitlow,
Wm. E. Dowling,	G. T. Reynolds,	Geo. S. Wilson,
Robert Enlow,	H. A Schoberth,	J. Hal. Woodford,
W. W. Hopkins,	W. H. Shanks,	Speaker Gooch—39

Those who voted for Wm. O. Bradley were—

O. P. Applegate,	R. L. Gwathmey,	H. L. Myers,
F. Pierce Blair,	C. W. G. Hannah,	Garfield Moore,
W. N. Brown, Jr.	Robert L. Harris,	C. C. Patrick,
Albert Butler,	John P. Haswell, Jr.	Samuel J. Patrick,
H. K. Cole,	R. F. Hutchinson,	R. S. Rector,
W. A. Cope,	W. Harrison Isaacs,	Isaac G. Rice,

Denver B. Cornett,	T. C. Jackson,	John T. Shanklin,
John T. Davis,	W. H. Jones,	J. A. Sloan,
W. A. B. Davis,	W. L. Kimbrough,	Sawyer A. Smith,
Henry H. Denham,	Cleves G. Kinkead,	R. E. Stewart,
Thurman B. Dixon,	A. T. Knox,	D. P. Taggart,
J. A. Duff,	Wm. S. Markolf,	John P. Wallace,
John Feland,	J. B. Maynard,	Harry Weitkamp,
S. L. Givan,	Emanuel Meyer,	W. C. Wynn—42

Those who voted for John R. Allen were—

W. F. Klair,	E. W. Lillard,	Chris. Mueller,
	Virgil McKnight,	

In summing up the vote of the joint Assembly, it was found to stand thus:

For J. C. W. Beckham	58 votes.
For William O. Bradley	57 votes.
For John R. Allen	7 votes.
Total number of votes cast	122

No one person having received a majority of all the votes cast, a majority of all members elected to both Houses being present and voting, Hon. W. J. Gooch, Speaker as aforesaid, announced that no election had been had.

The following pairs were announced:

Senator Sewell with Mr. A. C. Oliver; Mr. Sewell, if present, would vote for Mr. Bradley, and Mr. Oliver, if present, would vote for Mr. Beckham.

Mr. Graves with Mr. Perryman; Mr. Graves, if present, would vote for Mr. Beckham, and Mr. Perryman, if present, would vote for Mr. Bradley.

Mr. Arnett with Mr. Chase; Mr. Arnett, if present, would vote, for Mr. Beckham, and Mr. Chase, if present, would vote for Mr. Bradley.

Mr. Steers with Mr. Strange; Mr. Steers, if present, would vote for Mr. Beckham, and Mr. Strange, if present, would vote for Mr. Bradley.

Mr. Stump with Mr. Lee; Mr. Stump, if present, would vote for Mr. Beckham, and Mr. Lee, if present, would vote for Mr. Bradley.

Mr. McChord with Mr. Parrott; Mr. McChord, if present, would vote for Mr. Beckham, and Mr. Parrott, if present, would vote for Mr. Bradley.

Mr. Richardson with Mr. Lowder; Mr. Richardson, if present, would vote for Mr. Beckham, and Mr. Lowder, if present, would vote for Mr. Bradley.

Mr. Finley with Mr. Edmunds; Mr. Finley, if present, would vote for Mr. Bradley, and Mr. Edmunds, if present, would vote for Mr. Beckham.

Mr. Mueller moved that the joint Assembly do now dissolve.

Said motion was agreed to.

The Senators retired, and the Speaker called the House to order.

The House took up for consideration from the calendar bills of the following titles, viz.:

H. B. 36. An act amending an act entitled, "An act for the government of cities of the fourth class," approved June 28, 1893.

H. B. 11. An act to provide necessary clerical service for the Library of the Commonwealth.

H. B. 108. An act to amend Section 4365 of the Kentucky Statutes, Carroll's edition of 1903.

H. B. 103. An act to prevent the sale or transfer of personal property where the possession is in one person and the title thereto is vested in another.

H. B. 101. An act to amend Section 3 of an act of the General Assembly of the Commonwealth of Kentucky, approved March 21, 1906, entitled, "An act permitting persons to combine or pool their crops of wheat, tobacco and other products and sell the same as a whole, and making contracts in pursuance thereof valid," being Chapter 117 of the Acts of the General Assembly of the Commonwealth of Kentucky for the year of 1906.

H. B. 145. An act to promote and regulate the tobacco industry in Kentucky.

Ordered, that said bills be read the second time.

The provision of the Constitution as to the reading of said bill the second time at length being dispensed with.

Said bills were severally read the second time by their titles.

Ordered, that said bills be placed in the orders of the day.

Mr. Hannah moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned until Monday next, February 4th (For adjournment resolution see Journals of 28th and 29th.)

FRIDAY, JANUARY 31, 1908.

James E. Stone, Chief Clerk of the House, presented the following communication, viz.:

Frankfort, Ky., January 30, 1908.

James E. Stone,
Chief Clerk of the House.

I hereby designate Hon. James T. Buford, of Franklin county, to act as speaker pro tem. during my absence or until some one else is designated by me.

W. J. GOOCH.

Thereupon at 12 o'clock, meridian, the Hon. James T. Buford took the chair, and called the joint assembly to order, and announced that they would now proceed to the execution of the joint special order of the day, to-wit: The taking of another ballot in the election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided. The result of said ballot was as follows, viz.:

In the House of Representatives—

Those who voted for J. C. W. Beckham were—
J. T. Buford,

Those who voted for W. O. Bradley were—
J. A. Duff,

It appearing from said ballot that not a quorum of the members elected to both Houses is present and voting.

Mr. Gwathmey moved that the joint assembly do now dissolve.

Said motion was agreed to.

SATURDAY, FEBRUARY 1, 1908.

At twelve o'clock, meridian, the Hon. James T. Buford, Speaker pro tem., took the chair and called the joint assembly to order and announced that they would now proceed to the execution of the joint special order of the day, to-wit: The taking of another (the ninth) ballot in the election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided.

The result of said ballot was as follows, viz.:

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

J. T. Buford, W. R. Whitlow,

Those who voted for Wm. O. Bradley were—

R. L. Gwathmey,

It appearing from said ballot that there was not a quorum of the members elected to both Houses present and voting.

Mr. Gwathmey moved that the joint assembly do now dissolve.

Said motion was agreed to.

MONDAY, FEBRUARY 3, 1908.

At twelve o'clock, meridian, the Hon. James T. Buford, Speaker pro tem., took the chair and called the joint assembly to order and announced that they would now proceed to the execution of the joint special order of the day, to-wit: The taking of another (the tenth) ballot in the election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided.

The result of said ballot was as follows, viz.:

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

J. T. Buford, W. R. Whitlow,

Those who voted for Wm. O. Bradley were—

R. L. Gwathmey,

It appearing from said ballot that there was not a quorum of the members elected to both Houses present and voting.

Mr. Gwathmey moved that the joint assembly do now dissolve.

Said motion was agreed to.

TUESDAY, FEBRUARY 4, 1908.

The House was opened with prayer by Rev. W. E. Simms, of the Methodist Episcopal Church, South.

The reading of the Journal of the proceedings of Thursday last, January 30, was dispensed with.

A message was received from the Senate announcing that they had passed bills of the following titles:

1. S. B. 2. An act to provide for the examination and registration of nurses.

2. S. B. 35. An act amending an act entitled, an act for the government of cities of the fourth class and approved June 23, 1893.

Said bills were ordered to be printed and referred:

No. 1. To the Committee on Public Health.

No. 2. To the Committee on Cities of the Fourth, Fifth and Sixth Classes.

Mr. Dowling moved that the House do now adjourn.

Said motion was agreed to.

The hour of 12 o'clock, meridian, having arrived, the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided, the members of the Senate of Kentucky appeared and entered upon the floor of the House of Representatives, and in

pursuance of the joint rule of the Senate and House of Representatives, Hon. W. J. Gooch, Speaker of the House of Representatives, presided over the joint Assembly.

The roll was called and the following Senators and Representatives answered to their names, viz.:

In the Senate—

J. P. Chinn,	P. S. Maxwell,	W. W. Tabb,
Thos. A. Combs,	J. W. Newman,	E. M. Taylor,
C. B. Ecton,	R. W. Owen,	G. T. Wyatt—11
O. P. Hogan,	Frank Rives,	

In the House of Representatives—

Robert H. Anderson,	F. M. Hutcheson, Jr.	W. H. Shanks,
Elliott B. Beard,	W. J. Jackson,	J. W. Stump,
J. W. Berkshire,	W. F. Klair,	C. S. Templeman,
P. W. Berkshire,	Hugh Mahin,	Wm. M. Thompson.
J. T. Buford,	Duncan Milliken,	E. E. Wash,
Dr. C. F. Crecelius,	Jesse F. Nichols,	W. R. Whitlow,
W. F. Edmunds,	W. V. Perry,	Geo. S. Wilson,
F. E. Graves,	John C. Pirtle,	J. Hal. Woodford,
R. Dillard Hunter,	H. A. Schoberth,	W. J. Gooch—27

It appearing from said roll call that there is not present in the joint Assembly a majority of all members elected to both Houses.

Mr. Shanks moved that the joint Assembly do now dissolve.

Said motion was agreed to.

WEDNESDAY, FEBRUARY 5, 1908.

The House was opened with prayer by the Rev. William Crowe, of the Presbyterian Church, Southern Assembly.

The reading of the Journal of yesterday's proceedings was dispensed with.

The committees to which the same had been referred reported bills of the following titles, viz:

By Mr. Mahin, of the Committee on Agriculture.

H. B. 235. An act to establish a sub-Experiment Station in Eastern Kentucky and a like Station in Western Kentucky.

By Mr. Woodford, of the Committee on Banks and Banking:

H. B. 91. An act to create a Board of State Bank Examiners, defining their duties, regulating their manner of appointment and removal, and authorizing the examination of all banks, trust companies and combined banks and trust companies organized under the laws of this Commonwealth.

Together with an amendment thereto by way of substitute therefor.

By Mr. Graves, of the Committee on County and City Courts:

H. B. 204. An act to amend Section 1541 Kentucky Statutes, Carroll's edition, 1903.

By same:

H. B. 207. An act to regulate the time of holding courts by justices of the peace in Magisterial districts of this Commonwealth for the trial of civil causes.

By same:

H. B. 152 An act to repeal Chapter 71 Acts 1906.

Said bills were severally read the first time at length and ordered to be placed upon the calendar.

The House took up for consideration from the calendar bills and a joint resolution as follows, viz.:

H. B. 22. An act providing for the creation, control and disposition of a fund to be used, under certain conditions, pensioning policemen and families of deceased policemen in cities of the second class.

H. B. 77. An act to define and regulate the assessment of stock in corporations incorporated under the laws of Kentucky and of other States and Territories of the United States.

H. B. 144. An act to fix the salary of Judges of the Circuit Courts.

H. B. 157. An act for preventing the manufacture and sale of adulterated or misbranded foods, drugs, medicines and liquors.

S. B. 11. An act to provide the Senate and House of Representatives of the State of Kentucky with messengers and stenographers or copyists during the present session of the General Assembly.

S. B. 12. An act to provide a Stenographer for the use of the Governor of the Commonwealth of Kentucky.

S. Res. 2. Resolution providing for furnishing the Codes of Practice, Kentucky Statutes, Official Manual and copies of the Governor's message.

Ordered the said bills and joint resolution be severally read the second time.

The provision of the Constitution as to the second reading of said bills and joint resolution at length being dispensed with.

Said bills and joint resolution were severally read the second time by their titles:

Ordered, that said bills and joint resolution be placed in the orders of the day.

The House took up for consideration from the calendar a bill entitled:

H. B. 21. An act to provide for the care, custody and maintenance of court houses and court rooms, and offices therein and public grounds adjacent thereto in counties having therein circuit courts of continuous session.

Ordered that said bill be read the second time.

The Constitutional provision as to the second reading of said bill at length being dispensed with, said bill was read the second time by its title.

Mr. Simmons moved that said bill be recommitted to the Committee on County and City Courts.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. C. C. Patrick and McKnight, were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	Cleves G. Kinkead,	John T. Shanklin,
F. Pierce Blair,	A. T. Lee,	Robert C. Simmons,
Frank J. Brown,	Jasper D. Lowder,	J. A. Sloan,
J. T. Buford,	Wm. S. Markolf,	John L. Smith,
Albert Butler,	J. B. Maynard,	Sawyer A. Smith,
Dr. C. F. Crecelius,	W. C. McChord,	John S. Steers,
John T. Davis,	Emanuel Meyer,	R. E. Stewart,
W. A. B. Davis,	Duncan Milliken,	W. H. Strange,
J. A. Duff,	Garfield Moore,	J. A. Sullivan,

W. F. Edmunds,
Robert Enlow,
Thos. E. Finley,
R. L. Gwathmey,
C. W. G. Hannah,
John P. Haswell, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. H. Jones,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
R. S. Rector,
Isaac G. Rice,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson.
Geo. C. Waggoner,
John P. Wallace,
W. R. Whitlow,
Geo. S. Wilson—56

Those who voted in the negative were—

Robert H. Anderson,
Louis W. Arnett,
Elliott B. Beard,
P. W. Berkshire,
O. Houston Brooks,
J. Will Clay,
W. A. Cope,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
W. J. Jackson,
W. F. Klair,
W. L. Kimbrough,
E. W. Lillard,
Hugh Mahin,
Virgil McKnight,
Chris. Mueller,
J. F. Porter,
W. H. Shanks,
J. W. Stump,
E. E. Wash,
Harry Weitkamp,
W. C. Wynn—22

By unanimous consent of the House, the rules were suspended and the House took up for consideration from the orders of the day a bill entitled:

H. B. 36. An act amending an act entitled, "An act for the government of cities of the fourth class," approved June 30, 1893.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An act for the government of cities of the fourth class" and approved June 28, 1893, be and the same is hereby amended by striking out Section 35 of said act, said sec-

tion being Section 3517 of the Kentucky Statutes, and inserting in lieu thereof the following, viz:

"§ 3517. All fines and forfeitures recovered in any court, the prosecution of which originated in the Police Court, in the name of or in favor of the Commonwealth of Kentucky, for violation of the penal laws committed within said city's police jurisdiction, are hereby granted to the city without regard to which court the final judgment is rendered in, and when collected either in Police Court, the Circuit Court of the county in which said city is located, or in the Court of Appeals, after payment of all the fees and costs, the proceeds of said judgment shall be paid to the Treasurer of said city. When an appeal is taken from a judgment of a police Court under the penal laws of Kentucky, it shall be the duty of the City Attorney of said city to represent the Commonwealth in said case in any court to which it may be appealed, and it shall not be the duty of the Commonwealth's Attorney or County Attorney to so represent the Commonwealth in such appealed case or cases. When judgment is rendered in favor of the Commonwealth in such appealed cases it shall be the duty of the City Attorney to take all steps necessary for the collection of said fine or forfeiture and for the enforcement of said judgment. When in the enforcement of a judgment in a case appealed from the Police Court it is necessary to imprison the defendant, the cost of the imprisonment shall be paid by the city."

§ 2. All acts or parts of acts in conflict with this act are hereby repealed.

§ 3. Whereas, a large number of cases under the penal laws of the State have been, and are being, appealed from the Police Courts of cities of the fourth class, which will prevent said cities from collecting the judgments herein granted them, an emergency is declared to exist, and this act shall take effect immediately upon its approval by the Governor.

Said bill was read the third time by its title and passed.

The provisions of the Constitution as to the reading of said bill the third time at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson,	C. W. G. Hannah,	W. H. Shanks,
O. P. Applegate,	R. Dillard Hunter,	Robert C. Simmons,
Louis W. Arnett,	F. M. Hutcheson, Jr.	J. A. Sloan,
Elliott B. Beard,	J. H. Jackson,	John L. Smith,
P. W. Berkshire,	Cleves G. Kinkead,	John S. Steers,
F. Pierce Blair,	A. T. Knox,	W. H. Strange,
O. Houston Brooks,	E. W. Lillard,	J. W. Stump,
Frank J. Brown,	Hugh Mahin,	J. A. Sullivan,
W. N. Brown, Jr.	W. C. McChord,	J. B. Swann,
J. T. Buford,	Virgil McKnight,	D. P. Taggart,
J. Will Clay,	Emanuel Meyer,	Eugene W. Tandy,
Dr. C. F. Crecelius,	Duncan Milliken,	C. S. Templeman,
John T. Davis,	Jesse F. Nichols,	Wm. M. Thompson.
Thurman B. Dixon,	A. C. Oliver,	Geo. C. Waggoner,
Wm. E. Dowling,	G. W. Parrott,	E. E. Wash,
W. F. Edmunds,	W. V. Perry,	Harry Weitkamp,
Robert Enlow,	John C. Pirtle,	W. R. Whitlow,
John Feland,	J. F. Porter,	W. C. Wynn,
Thos. E. Finley,	Isaac G. Rice,	Geo. S. Wilson,
S. L. Givan,	H. A. Schoberth,	J. Hal. Woodford–61
F. E. Graves,		

Those who voted in the negative were—

A. A. Allphin,	R. F. Hutchinson,	G. L. Perryman,

Albert Butler,	W. J. Jackson,	R. S. Rector,
W. A. Cope,	T. C. Jackson,	John T. Shanklin,
W. A. B. Davis,	W. L. Kimbrough,	Sawyer A. Smith,
J. A. Duff,	Jasper D. Lowder,	R. E. Stewart,
R. L. Gwathmey,	C. C. Patrick,	John P. Wallace —19
John P. Haswell, Jr.		

Resolved, That the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 11. An act to provide necessary clerical service for the Library of the Commonwealth.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby appropriated out of the money in the Treasury not otherwise appropriated, the sum of $100 per month to be disbursed by the Librarian of the Library of the Commonwealth, for clerical services needed and to be used by him in the care of the Public Library and in discharge of his duties as Librarian.

The Librarian shall be responsible upon his official bond for the good conduct of such clerk or clerks employed by him; upon the certificate of the Librariarn that such clerk or clerks have been employed by him and have discharged the duties required by the Librarian during the month, the Auditor of Public Accounts shall draw his warrant upon the Treasurer the last day of each month in favor of such clerk or clerks for the aggregate sum of $100 per month.

§ 2. Whereas, because of the increased and increasing size of the State Library and the additional duties imposed upon the Li-

brarian for cataloguing the volumes contained therein, and the additional labor incident to removing the Library from the old to the new Capitol, and discharging the duties of the office, and the present force in the Library being inadequate, an emergency is hereby declared to exist and this act shall take effect and be in full force from its passage and approval by the Governor.

Ordered, that said bill be read the third time.

The provision of the Consitution as to the reading of said bill the third time at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Robert H. Anderson,
O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
J. Will Clay,
H. K. Cole,
Dr. C. F. Crecelius,
John T. Davis,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
J. P. Haswell, Jr.
F. M. Hutcheson, Jr.
R. F. Hutchinson,
J. H. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
A. C. Oliver,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
R. S. Rector,
Isaac G. Rice,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
Robert C. Simmons,
J. A. Sloan,
Sawyer A. Smith,
John S. Steers,
J. W. Stump,
J. A. Sullivan,

Henry H. Denham,	W. C. McChord,	C. S. Templeman,
Thurman B. Dixon,	Virgil McKnight,	Wm. M. Thompson.
Wm. E. Dowling,	Emanuel Meyer,	Geo. C. Waggoner,
J. A. Duff,	Duncan Milliken,	W. R. Whitlow,
W. F. Edmunds,	Chris. Mueller,	W. C. Wynn,
S. L. Givan,	Jesse F. Nichols,	J. Hal. Woodford 70
F. E. Graves,		

Those who voted in the negative were—

Robert Enlow,	G. W. Parrott,	J. B. Swann,
Thos. E. Finley,	J. F. Porter,	D. P. Taggart,
W. Harrison Isaacs,	John L. Smith,	Eugene W. Tandy,
W. J. Jackson,	R. E. Stewart,	E. E. Wash,
A. T. Lee,	W. H. Strange,	Geo. S. Wilson—16
Garfield Moore,		

Resolved, That the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled, viz.:

H. B. 108. An act to amend Section 4375 of the Kentucky Statutes, Carroll's edition, 1903.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4375 of the Kentucky Statutes be and is hereby amended by striking therefrom the words "provided the term of the common school for that year shall be extended to such proportion of a term as the said accumulated money bears to the said amount due said district in the year in which the said money is paid," and insert in lieu thereof the words "which money shall be used either to extend the school term or to supplement the salary of the teacher or teachers employed to teach such school as may be

agreed upon by the Trustees of such district and the teacher or teachers employed to teach therein; provided, however, that any contract or agreement for the use of any money not used in any previous school year, shall be approved by the County Superintendent of Common Schools," so that said Section as amended and re-enacted shall read as follows:

The Superintendent of Public Instruction shall, on or before the fifteenth day of July in each year, ascertain and estimate for the school year the pro rata share to which each pupil child will be entitled, according to the whole number of such children residing in each county and each school district respectively, as shown by the returns of the county superintendent. If at the time of making such estimate and apportionment, the census returns of the superintendent for any county have not been made to him, he shall use the census returns made for the previous year. It shall be the duty of the Auditor to furnish the Superintendent of Public Instruction such data as may be needed in making such estimate and apportionment. It shall be the duty of the Superintendent of Public Instruction, as soon as practicable, to file such copy of said estimate and apportionment with the Auditor, and to inform each county superintendent of the amount to which each school district of his county shall be entitled. Whatever difference may exist between the estimate and the actual revenue of the school fund for any school year shall be taken into account of the estimate and apportionment for the succeeding school year. If the pro rata share of any school be not called for after the second school year, it shall be covered into the Treasury and be placed to the credit of the school fund for general apportionment the following school year. When any school district in any school year shall have failed to use all or any part of the money due it for such school year, such district shall be entitled to said money for the next school year, which money shall be used either to extend the

school term or to supplement the salary of the teacher or teachers employed to teach such school as may be agreed upon by the Trustees of such district, and the teacher or teachers employed to teach therein; provided, however, that any contract or agreement for the use of any money not used in any previous school year, shall be approved by the County Superintendent of Common Schools. A detailed statement of the surplus amount to which each county is entitled shall be made out by the Superintendent of Public Instruction and filed and preserved in his office. The bonded surplus in the State Treasury to the credit of the counties shall bear interest at the rate of six per cent per annum, and the per capita derived from said interest shall be duly apportioned to the white and colored schools of the county respectively, and be paid as provided in the following section: Provided, That when any county heretofore established out of the territory belonging to a county or counties having a surplus which has not been apportioned among said counties, and when any new county shall hereafter be established out of territory belonging to a county or counties having such a surplus, then the Superintendent of Public Instruction shall apportion such surplus among the original and new counties in an equitable manner.

§ 2. All acts or parts of acts in conflict with this act are, to the extent of such conflict, hereby repealed.

§ 3. Whereas, it is impracticable under the present law for schools to get the full benefit of money not used by them during the preceding school year, an emergency is declared to exist and this act shall take effect from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Robert H. Anderson,
O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
John Feland,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.
R. Dillard Hunter,
F. M. Hutcheson, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Virgil McKnight,
Emanuel Meyer,
Duncan Milliken,
Garfield Moore,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
Isaac G. Rice,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford—89

Resolved, That the title thereof be as aforesaid.

The House took up for consideration from the oders of the day a bill entitled:

H. B. 103. An act to prevent the sale or transfer of personal property where the possession is in one person and the title thereto is vested in another.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person having the possession of personal property, the title to which is vested in another, to sell or otherwise dispose of such property without the consent of the person in whom the title is vested. Any person guilty of such offense shall be fined not less than One Hundred Dollars, nor more than Five Hundred Dollars for each offense. Any person having notice of the manner in which such property is held, who shall purchase it of the person having the possession thereof, or of any other person, without the consent of the person in whom the title is vested, shall be fined not less than One Hundred Dollars, nor more than One Thousand Dollars for each offense.

§ 2. An emergency exists for the immediate operation of this law, therefore, the same shall be in force from and after its enactment.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in

accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Robert H. Anderson,
O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
J. Will Clay,
H. K. Cole
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
John Feland,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.
R. Dillard Hunter,
F. M. Hutcheson, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Virgil McKnight,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Jesse F. Nichols,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
Isaac G. Rice,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson.
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson
J. Hal. Woodford—89

Resolved, That the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 145. An act to promote and regulate the tobacco industry in Kentucky.

Together with the substitute amendment as proposed thereto by the Committee on Agriculture.

Mr. McChord moved that said bill and substitute be recommitted to the Committee on Agriculture.

Said motion was agreed to.

The hour of 12 o'clock, meridian, having arrived, the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided, the members of the Senate of Kentucky appeared and entered upon the floor of the House of Representatives, and in pursuance of a joint rule of the Senate and House of Representatives, Hon. W. J. Gooch, Speaker of the House of Representatives, presided over the joint Assembly. Hon W. H. Cox, Lieutenant Governor, and President of the Senate, took his seat on the left of the Speaker.

The members of the two Houses were convened in joint Assembly, the same being composed of a majority of all the members elected to both Houses. The roll was called and the following Senators and Representatives answered to their names, viz.:

In the Senate—

Joe F. Bosworth,	Ben F. Landrum,	Hillard H. Smith,
R. B. Brown,	Conn Linn,	W. W. Tabb,
A. R. Burnam,	P. S. Maxwell,	E. M. Taylor,

J. Wheeler Campbell,
Albert H. Charlton,
Thos. A. Combs,
J. A. Donaldson,
C. B. Ecton,
B. C. Grigsby,
R. L. Hubble,
G. T. Jarvis,
H. S. McNutt,
J. W. Newman,
A. J. Oliver,
R. W. Owen,
Sam H. Peters,
E. K. Renaker,
Frank Rives,
Benjamin Sewell,
G. A. Taylor,
John L. Vice,
Ed. E. Walker,
J. J. Watkins,
Geo. Wilhelmi,
J. W. Wright,
G. T. Wyatt.—32

In the House of Representatives—

A. A. Allphin,
Robert H. Anderson,
O. P. Applegate,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
John Feland,
Thos. E. Finley,
Robert L. Harris,
John P. Haswell, Jr.
R. Dillard Hunter,
F. M. Hutcheson, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Virgil McKnight,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Garfield Moore,
Chris. Mueller,
Jesse F. Nichols,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
Robert C. Simmons,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson.
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn,

S. L. Givan, A. C. Oliver, Geo. S. Wilson
F. E. Graves, G. W. Parrott, J. Hal. Woodford,
R. L. Gwathmey, C. C. Patrick, W. J. Gooch—92
C. W. G. Hannah, Samuel J. Patrick,

The reading of the Journals of yesterday of both Houses, pertaining to the proceedings had in joint Assembly, was dispensed with.

The joint Assembly proceeded, pursuant to law, to take another (the eleventh) joint ballot in the selection of a Senator in the Congress of the United States from the State of Kentucky, as aforesaid, which resulted as follows, viz.:

In the Senate—

Those who voted for J. C. W. Beckham were—

R. B. Brown, P. S. Maxwell, Frank Rives,
Thos. A. Combs, J. W. Newman, W. W. Tabb,
J. A. Donaldson, R. W. Owen, E. M. Taylor,
C. B. Ecton, Sam H. Peters, J. J. Watkins,
R. L. Hubble, E. K. Renaker, G. T. Wyatt.—16
Conn Linn,

Those who voted for W. O. Bradley were—

Joe F. Bosworth, A. J. Oliver, John L. Vice,
A. R. Burnam, Benjamin Sewell, Ed. E. Walker,
B. C. Grigsby, Hillard H. Smith, Geo. Wilhelmi,
G. T. Jarvis, G. A. Taylor, J. W. Wright—13
Ben F. Landrum,

Those who voted for J. C. S. Blackburn were—

J. Wheeler Campbell,

Those who voted for J. R. Allen were—

Albert H. Charlton,

Those who voted for James B. McCreary were—

H. S. McNutt,

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

A. A. Allphin,
Robt. H. Anderson,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
J. Will Clay,
Dr. C. F. Crecelius,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
F. E. Graves,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
J. H. Jackson,
W. J. Jackson,
Hugh Mahin,
W. C. McChord,
Duncan Milliken,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
H. A. Schoberth,
W. H. Shanks,
Robert C. Simmons,
John L. Smith,
John S. Steers,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson.
Geo. C. Waggoner,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson,
J. Hal. Woodford,
W. J. Gooch—43

Those who voted for W. O. Bradley were—

O. P. Applegate,
F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
John T. Davis,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
J. P. Haswell, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
W. H. Jones,
W. L. Kimbrough,
H. L. Myers,
Garfield Moore,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
G. L. Perryman,
R. S. Rector,
John T. Shanklin,

W. A. B. Davis,	Cleves G. Kinkead,	Sawyer A. Smith,
Henry H. Denham,	A. T. Knox,	R. E. Stewart,
Thurman B. Dixon,	A. T. Lee,	W. H. Strange,
J. A. Duff,	Jasper D. Lowder,	D. P. Taggart,
John Feland,	Wm. S. Markolf,	John P. Wallace,
Thos. E. Finley,	J. B. Maynard,	Harry Weitkamp,
S. L. Givan,	Emanuel Meyer,	W. C. Wynn—45

Those who voted for J. R. Allen were—

W. F. Klair,

Those who voted for James B. McCreary were—

E. W. Lillard, Virgil McKnight.

Those who voted for E. M. Flexner were—

Chris. Muelier.

In summing up the vote of the joint Assembly, it was found to stand thus:

For J. C. W. Beckham	59 votes.
For William O. Bradley	58 votes.
For James B. McCreary	3 votes.
For John R. Allen	2 votes.
For J. C. S. Blackburn	1 vote.
For E. M. Flexner	1 vote.
Total number of votes cast	124

It appearing that no one person has received a majority of all the votes cast, a majority of all members elected to both Houses being present and voting, the Speaker aforesaid announced that no election was had.

The following pairs were announced:

Senator Cureton with Senator Watson. Mr. Cureton, if present, would vote for Mr. Bradley, and Mr. Watson, if present, would vote for Mr. Beckham.

Senator John T. Smith with Senator Hogan. Mr. Smith, if present, would vote for Mr. Bradley, and Mr. Hogan, if present, would vote for Mr. Beckham.

Senator Nell with Senator Chinn. Mr. Nell, if present, would vote for Mr. Bradley, and Mr. Chinn, if present, would vote for Mr. Beckham.

Mr. Arnett with Mr. Chase. Mr. Arnett, if present, would vote for Mr. Beckham, and Mr. Chase, if present, would vote for Mr. Bradley.

Mr. Hopkins with Mr. Rice. Mr. Hopkins, if present, would vote for Mr. Beckham, and Mr. Rice, if present, would vote for Mr. Bradley.

Mr. Reynolds with Mr. Sloan. Mr. Reynolds, if present, would vote for Mr. Beckham, and Mr. Sloan, if present, would vote for Mr. Bradley.

Mr. Richardson with Mr. T. C. Jackson. Mr. Richardson, if present, would vote for Mr. Beckham, and Mr. Jackson, if present, would vote for Mr. Bradley.

Mr. Hannah moved that the joint Assembly do now dissolve.

Said motion was agreed to.

The Senators retired, and the Speaker called the House to order.

The Speaker laid before the House the following communication, viz.:

Frankfort, Ky., Feb. 5, 1908.

Mr. W. J. Gooch,

Speaker of the House.

Frankfort, Ky.

Dear Sir:

Will you be so kind as to extend to the members of the House a very cordial invitation to attend the American Tuberculosis Exhibit now being held at the Y. M. C. A. in this city.

This exhibit is purely educational. There is nothing for sale and no private or commercial interests are concerned. The exhibit is for the saving of human life and for increasing the sum of human happiness. The exhibit is to show that Tuberculosis is needless and that it is preventable and curable.

34,000 visitors were registered at Louisville and nearly 500,000 have visited the exhibition in Canada, the United States and in Mexico.

The Exhibit will be open the remainder of the week from two to five and seven to ten P. M. with addresses and stereopticon demonstrations at two, three and 7:30.

With the hope of a large representation from your body, We remain,

Yours truly,

E. G. RONTZAHN, Director.

Mr. Klair moved that the invitation contained in the above communication be accepted.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, FEBRUARY 6, 1908.

The House was opened with prayer by the Rev. M. B. Adams, Pastor of the Baptist Church at Frankfort, Ky.

The reading of the Journal of yesterday's proceedings was dispensed with.

James E. Stone, Chief Clerk of the House, laid before the House the following communication, viz.:

Bowling Green, Ky., February 5, 1908.

James E. Stone, Chief Clerk of the House of Representatives,

Frankfort, Ky.

To the House of Representatives of the Commonwealth of Kentucky:

Seven hundred teachers, county superintendents and friends of education in convention assembled unanimously endorsed House Bills 141, 205 and 255, and ask for their speedy enactment into laws.

H. C. MILLER,
For Convention.

Said communication was received, read, and referred to the Committee on Education No. 1.

Mr. Gwathmey offered the following resolution, viz.:

Be it resolved by the House of Representatives, the Senate concurring, that a joint committee of six be appointed, consisting of two members of the Senate, one Democrat and one Republican, to be named by the President thereof, and four members of the House, two Democrats and two Republicans, to be named by the Speaker thereof, to draft an act in conformity with and carrying out fully the requirements of Section 197 of the present Constitution. The

said committee shall meet and organize on the day it is appointed and proceed at once to the discharge of the duty imposed upon it and report its draft of the bill concurrently to both Houses within three days thereafter.

Said resolution was read, and under the rules was ordered to lie over.

Upon a call of the counties and Representative districts, bills and a joint resolution were introduced and referred as follows, viz.:

By Mr. Perryman:

H. B. 265. An act to amend Chapter 53 of Kentucky Statutes, relating to catching or destroying fish.

Referred to Committee on Fish, Game and Forestry.

By same:

H. B. 266. An act to amend and re-enact Section 2557 of Kentucky Statutes, Carroll's Edition, 1903, relating to local option law.

Referred to Committee on Public Morals.

By Mr. Dowling:

H. B. 267. An act to repeal sub-section 8, of Section 606 of the Civil Code of Practice.

Referred to Committee on Codes.

By same:

H. B. 268. An act to amend an act, amending Section 965, of Kentucky Statutes which relate to the time of holding court in the 12th Judicial district.

Referred to Committee on Circuit Courts.

By Mr. Cornett:

H. B. 269. An act to amend Section 470 of Chapter 127 of Kentucky Statutes, bill. "Treasure Warrant Claims."

Referred to Committee on Land and Titles.

By Mr. Moore:

H. B. 270. An act relating to Commissioners and receivers.

Referred to Committee on Criminal Law.

By Mr. Lillard:

H. B. 271. An act to amend an act, Kentucky Statutes, entitled, "An act to change the corporate name of the State School for the education of the deaf children, of Kentucky Institution for the Education of Deaf Mutes" to the Kentucky School for the Deaf.

Referred to Committee on Charitable Institutions.

By same:

H. B. 272. An act to prevent adulteration and fraud in the manufacture and sale of tobacco and tobacco products and fixing a penalty therefor.

Referred to Committee on Agriculture.

By Mr. Haswell:

H. B. 273. An act to further regulate the carrying of passengers by railroad companies in this Commonwealth and to enlarge the power of the Railroad Commission with regard to same.

Referred to Committee on Railroads.

By Mr. Weitkamp:

H. B. 274. An act to regulate the government of incorporated districts organized and existing under special acts of this Commonwealth that have not less than $1,000,000 of assessed valuation in the districts.

Referred to Committee on Kentucky Statutes.

By Mr. Cole:

H. B. 275. An act providing for the security of depositors in the incorporated banks of Kentucky, creating a "bank depositors' indemnity fund" and providing regulations therefor.

Referred to Committee on Banking.

By Mr. C. C. Patrick:

H. B. 276. An act to regulate junk dealers, junk merchants, second hand dealers and second hand merchants.

Referred to Committee on Kentucky Statutes.

By Mr. Klair:

H. B. 277. An act to amend and re-enact Section 10, of act 8, of an act entitled, "An act for the Government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1898 said Section being Section 3183 Kentucky Statutes and relating to levying taxes in cities of second class.

Referred to Committee on Municipalities.

By same:

H. B. 278. An act to enable cities of the second class to build and construct a system of streets and to issue bonds for the payment of the cost thereof.

Referred to Committee on Municipalities.

By Mr. Shanklin:

H. B. 279. An act to prevent the firing of shooting crackers, roman candles, sky rockets, cannon crackers, and other fire works or explosives within 100 yards of railroad stations.

Referred to Committee on Criminal Law.

By Mr. W. J. Jackson:

H. B. 280. An act to prevent and make it unlawful to discharge fireworks on or near public highways or near public gatherings.

Referred to Committee on Criminal Law.

By Mr. Brooks:

H. B. 281. An act to amend the Constitution of the Commonwealth of Kentucky for the purpose of aiding the public roads of the counties of the State by permitting State aid to counties for public roads and additional taxation by the counties for public roads.

Referred to Committee on Constitutional Amendments.

By same:

H. B. 282. An act entitled "An act to amend an act creating the office of Assistant Commonwealth's Attorney in counties having a population of 150,000 or over and prescribing the qualifications, power, duties and compensation thereof, being Section 125-A of Kentucky Statutes.

Referred to Committee on Circuit Courts.

By Mr. Pirtle:

H. B. 283. An act to further regulate elections.

Referred to Committee on Suffrage and Elections.

By same:

H. B. 284. An act in regard to collection of the proceeds of any assigned policy or certificate of life insurance.

Referred to Committee on Insurance.

By same:

H. B. 285. An act to provide for an amendment to Section 177, of the Constitution of Kentucky.

Referred to Committee on Constitutional Amendments.

By same:

H. B. 286. An act to amend Section 13, of an act, entitled, "An act concerning personal representatives," which was approved March 3, 1893," and providing a punishment for violation of same.

Referred to Committee on Judiciary.

By Mr. Gwathney:

H. B. 287. An act requiring all electric and steam railway company transporting passengers or freight for pay in this State to provide and maintain suitable and comfortable waiting rooms for passengers and single storage rooms for freight at all regular and usual stopping places along its line of road.

Referred to Committee on Railroads.

By Mr. Harris:

H. B. 228. An act to regulate child labor law and make provisions hereof effective.

Referred to Committee on Immigration and Labor.

By Mr. Emanuel Meyer:

H. B. 289. An act to amend Section 2773, Chapter 89, of Kentucky Statutes.

Referred to Committee on Municipalities.

By same:

H. B. 290. An act allowing compensation to and creating and fixing salaries of members of the Board of Alderman and Board of Councilmen of cities of the first class of the Commonwealth of Kentucky.

Referred to Committee on Municipalities.

By Mr. Wallace:

H. B. 291. An act to amend an act entitled "An act entitled an act for the government of cities of the first class, approved July 1, 1893," providing for the creation, control and disposition of a fund to be used in pensioning common school teachers in cities of the first class.

Referred to Committee on Municipalities.

By Mr. Rice:

H. B. 292. An act to prohibit the drinking of spirituous, vinous or malt liquors upon any of the passenger trains running through or operating in this State, while a passenger upon said trains, and giving the conductors the power to make arrest for the violation of this act.

Referred to Committee on Public Morals.

By Mr. Simmons:

H. B. 293. An act providing for the assessment and taxation of the franchise in and by cities of the second class, of corporations, companies or individuals, exercising special or exclusive privileges not allowed by law to natural persons or performing any public service.

Referred to Committee on Revenue and Taxation.

By same:

H. B. 294. An act to amend Section 583-A of Kentucky Statutes, edition of 1903, edited and compiled by J. D. Carroll.

Referred to Committee on Railroads.

By Mr. Perry:

H. B. 295. An act to amend Section 606, or Carroll's 1906 revised Edition of Kentucky Civil Code of Practice.

Referred to Committee on Codes.

By same:

H. B. 296. An act to regulate telegraph, telephone and express companies doing business in this State.

Referred to Committee on Judiciary.

By Mr. Sullivan:

H. B. 297. An act repealing Section 3758 of the Kentucky Statutes and re-enacting the same to amend, and re-enacting Sections 1526, 1527, 1528 and 1529, of the Kentucky Statutes, all which said sections relating to vacancies in certain offices and manner of filling same.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 298. An act providing for the filling of vacancies in the offices of Judge of the Police Courts of the various cities of this Commonwealth.

Referred to Committee on Kentucky Statutes.

By Mr. Wm. Brown:

H. B. 299. An act to amend an act relative to revenue and taxation in cities of the fourth class and amendatory of Sections 3533, 3542 and 3544 thereof, being parts of an act approved June 28, 1893.

Referred to Committee on Cities of the Fourth, Fifth and Sixth Class.

By F. J. Brown:

H. B. 300. An act further regulating telephone companies or corporations doing business in this Commonwealth.

Referred to Committee on Corporate Institutions.

By same:

H. B. 301. An act authorizing the sale of franchise for the erection and maintenance of telephone lines on the public highways of the various counties of this State.

Referred to Committee on Corporate Institutions.

By same:

H. B. 302. An act to regulate passenger fares on railroads in Kentucky.

Referred to Committee on Railroads.

By Mr. Duff:

H. B. 303. An act to repeal an act entitled "An act to incorporate the town of Rosine in Ohio county," which became a law March 16, 1878.

Referred to Committee on Cities of the Fourth, Fifth and Sixth Class.

By J. H. Jackson:

H. B. 304. An act to amend and re-enact Section 1874 and 1875, Kentucky Statutes, Chapter 48, title, fences.

Referred to Committee on Kentucky Statutes.

By Mr. Beard:

H. B. 305. An act to amend Sections 4307 and 4346 of Chapter 110, Article 1, of Kentucky Statutes, Carroll's edition of 1903, entitled "Roads and Passways."

Referred to Committee on Internal Improvements.

By Mr. Wilson:

H. B. 306. An act to amend and re-enact 1, 11, 16, 19, 20, 22, 23, 24 and 26 of Section 2380 and Sub-sections 4, 5 and 7 of Section

2412-a of the 1903 edition of Carroll's Kentucky Statutes, which relates to the drainage of lands in this Commonwealth.

Referred to Committee on Internal Improvements.

By Mr. Whitlow:

H. B. 307. An act to appropriate money for the erection of building upon the State Fair Grounds.

Referred to Committee on State Fair.

By same:

H. B. 308. An act to amend and re-enact Section 785, of Kentucky Statutes.

Referred to Committee on Railroads.

By Mr. Milliken:

H. B. 309. An act to prevxent the selling of horses and mules known as "bulls" or "chokers."

Referred to Committee on Kentucky Statutes.

By Mr. McChord:

H. B. 310. An act to amend Section 2253 Kentucky Statutes (qualifications of petit jurors.)

Referred to Committee on Circuit Courts.

By same:

H. B. 311. An act to further regulate the assessment of fire insurance companies.

Referred to Committee on Insurance.

By Mr. Schoberth:

H. B. 312. An act providing for the removal of the remains of

Thos. F. Marshall and making an appropriation for the expense thereof.

Referred to Committee on Public Monuments and Historical Records.

By Mr. Clay:

H. B. 313. An act creating the office of State Fish and Game Warden and Deputy Fish and Game Wardens and duties and fixing the compensation of such officers and for the further protection and preservation of fish, game and birds in the State of Kentucky.

Referred to Committee on Fish, Game and Forestry.

By Mr. Sloan:

H. B. 314. An act to amend Section 167, Chapter 10, Kentucky Statutes, (edition 1903.)

Referred to Committee on Kentucky Statutes.

By Mr. Strange:

H. B. 315. An act to regulate the use and sale of cold storage fish and eggs in this Commonwealth.

Referred to Committee on Public Health.

By same:

H. B. 316. An act dividing the State into 11 Congressional districts.

Referred to Committee on Redistricting.

By Mr. Tandy:

H. B. 317. An act to amend Section 1303 Kentucky Statutes.

Referred to Committee on Public Morals.

The Speaker laid before the House the following communication from the Governor, viz.:

State of Kentucky.

Executive Department.

Frankfort, January 31, 1908.

Hon. W. J. Gooch,

Speaker of the House of Representatives,

Sir:

I have the honor to transmit with this letter the letter of the Hon. C. N. Haskell, Governor of Oklahoma, with the printed joint resolution of the Legislature of Oklahoma, certified, in accordance with the terms of that resolution to both Houses of Congress and the Governor of each State in the Union.

The resolution creates a Legislative Commission composed of the Governors and eight members in support of the movement for the direct election of Senators by the people, and as it is the action of a sister State addressed to our own State, I deem it my duty to send it to the General Assembly for such consideration and action as the General Assembly shall deem proper and consistent with the public interest in their charge. This course is taken because it is a Legislative matter, and its consideration belongs to the Legislative department, and it was simply sent to the Governor as Chief Executive, for consideration of the State of Kentucky, and therefore goes to the branch of the government of Kentucky to which the consideration of such subjects is assigned under the Constitution.

Respectfully,

AUGUSTUS E. WILLSON,

Executive Office.

State of Oklahoma.

Guthrie, January 23, 1908.

Governor Augustus E. Willson,

Frankfort, Ky.

My dear Governor:—

In accordance with the provisions of the enclosed resolution I have the pleasure of transmitting to you a certified copy of said resolution, with the list of the membership of the Committee appointed to aid in bringing about the desired result.

Twenty-one States (at least) have already adopted similar resolutions, and six States where the Legislatures are now in session are likely to join in the call. We are impressed that we need not be long in securing the desired result, as the sentiment of the people seems beyond question, to be favorable to the move. The referendum vote heretofore taken in the States of California, Nevada and Illinois show an overwhelming approval.

I trust that you will favor us with your views on the subject and the prospect of early action in your State (if you have not already taken action) to this end. If your State has in recent years adopted such a resolution, will you kindly favor us with a copy.

Sincerely yours,

C. N. HASKELL, *Governor.*

Senatorial Direct Election Commission of the State of Oklahoma.

Senate Joint Resolution Number Nine, relating to the calling of

a convention of the States to propose amendments to the Constitution of the United States providing for the election of United States Senators by direct vote of the people, and for other purposes, and providing for the appointment of a Senatorial Election Commission of the State of Oklahoma.

Senate Joint Resolution.

Whereas, a large number of the State Legislatures have, at various times adopted memorials and resolutions in favor of the election of United States Senators by direct vote of the people of the respective States; and

Whereas, the National House of Representatives has, on several different occasions in recent years, adopted resolutions in favor of the proposed change in the method of electing United States Senators which were not adopted by the Senate; therefore

Be it resolved by the Senate and House of Representatives of the State of Oklahoma:

§ 1. That the Legislature of the State of Oklahoma in accordance with the provisions of Article 5 of the Constitution of the United States, desires to join with the other States of the Union to respectfully request that a convention be called for the purpose of proposing amendments to the Constitution of the United States and hereby apply to and request the Congress of the United States to call such convention and to provide for submitting to the several States the amendment so proposed for ratification by the Legislatures thereof, or by conventions therein, as one or the other mode of ratification may be proposed by Congress.

§ 2. That at said Convention the State of Oklahoma will propose among other amendments, that Section 3 of Article 1 of the Constitution should be amended to read as follows:

"The Senate of the United States shall be composed of two

Senators from each State, chosen by the electors thereof, as the Governor is chosen, for six years; and each Senator shall have one vote. They shall be divided equally as may be into three classes, so that one-third may be chosen every year; and if vacancies happen by resignation or otherwise, the Governor may make temporary appointments until the next regular election in such State. No person shall be a Senator who shall have not attained the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an elector of the State for which he shall be chosen. The Vice President of the United States shall be President of the Senate but shall have no vote unless they be equally divided. The Senate shall choose their own officers, and also a president pro tempore, in the absence of the Vice President or when he shall exercise the office of President of the United States."

§ 3. A Legislative Commission is hereby created to be composed of the Governor, and eight members, to be appointed by him, not more than four of whom shall belong to the same political party, to be known as the Senatorial Direct Election Commission of the State of Oklahoma. It shall be the duty of said Legislative Commission to urge action by the Legislatures of the several States and by the Congress of the United States to the end that a convention may be called as provided in Section One hereof. The members of said Commission shall receive no compensation.

§ 4. That the Governor of the State of Oklahoma is hereby directed forthwith to transmit certified copies of this joint resolution and application to:

Both Houses of the United States Congress.

To the Governor of each State in the Union, and

To each of our Representatives and Senators in Congress.

GEORGE W. BELLAMY.
President of the Senate.
WM. H. MURRAY.

The Speaker laid before the House the following communication from the Governor, viz:

Speaker of the House of Representatives.
Approved January 9, 1908.

C. N. HASKELL,
Governor of the State of Oklahoma.

Department of State.
Bill Cross, Secretary of State.

To all to whom these presents shall come—Greeting:

I, Bill Cross, Secretary of State of the State of Oklahoma, do hereby certify that the annexed and foregoing is a true copy of Senate Joint Resolution Number Nine, relating to the calling of a Convention of the States to propose amendments to the Constitution of the United States providing for the election of United States Senators by direct vote of the people, and providing for the appointment of a Senatorial Election Commission of the State of Oklahoma.

Approved January 9, 1908.

The original of which is now on file and a matter of record in this office.

In testimony whereof, I have hereunto set my hand and caused to be affixed my official seal. Done at the city of Guthrie, this 21st day of January, A. D. 1908.

(SEAL) BILL CROSS,
Secretary of State.
By LEO MEYER,
Deputy.

Mr. McKnight moved that said communication be referred to the Committee on Federal Relations.

Said motion was agreed to.

Mr. McKnight moved that the Committee on Agriculture, to which had been recommitted a bill entitled:

H. B. 145. An act to promote and regulate the tobacco industry in Kentucky.

Be instructed to wait upon the Public Printer and ascertain why the substitute offered for said bill has not been printed and returned to this House.

Said motion was agreed to.

Mr. John L. Smith offered the following resolution, viz.:

Resolved by the House of Representatives of Kentucky, that the sum of three hundred and forty-one dollars ($341.00) be appropriated out of the contingent expenses of the House for the purpose of paying the expenses of the Committees on Penitentiaries and Houses of Reform on the recent visit to Eddyville and Lexington, the same to be paid to the Sergeant-at-Arms of the House, and the clerk of the House is directed to certify this amount to the Auditor.

Said resolution was agreed to.

Mr. Dowling, of the Committee on Kentucky Statutes, to which had been referred a bill entitled:

H. B. 202. An act to amend section 786 Kentucky Statutes.

Reported same without any expression of opinion, and moved that said bill be transferred and recommitted to the Committee on Railroads.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed a bill entitled:

S. B. 117. An act to provide for the teaching of the elements of Agriculture in the public schools of this Commonwealth.

Said bill was ordered to be printed and referred to the Committee on Agriculture.

The hour of 12 o'clock meridian, having arrived, the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided, the members of the Senate of Kentucky appeared and entered upon the floor of the House of Representatives, and in pursuance of a joint rule of the Senate and House of Representatives, Hon. W. J. Gooch, Speaker of the House of Representatives, presided over the joint Assembly. Hon. W. H. Cox, Lieutenant Governor, and President of the Senate, took his seat on the left of the Speaker.

The members of the two Houses were convened in joint Assembly, the same being composed of a majority of all the members elected to both Houses. The roll was called and the following Senators and Representatives answered to their names, viz.:

In the Senate—

Joe F. Bosworth,
R. B. Brown,
A. R. Burnam,
J. Wheeler Campbell,
Albert H. Charlton,
J. P. Chinn,
Thos. A. Combs,
J. A. Donaldson,
C. B. Ecton,
B. C. Grigsby,
O. P. Hogan,
R. L. Hubble,
G. T. Jarvis,
Ben F. Landrum,
Conn Linn,
P. S. Maxwell,
H. S. McNutt,
L. C. Nell,
J. W. Newman,
A. J. Oliver,
R. W. Owen,
Sam H. Peters,
Frank Rives,
Benjamin Sewell,
Hillard H. Smith,
W. W. Tabb,
E. M. Taylor,
G. A. Taylor,
John L. Vice,
Ed. E. Walker,
J. J. Watkins,
Geo. Wilhelmi,
J. W. Wright
G. T. Wyatt—34

In the House of Representatives—

A. A. Allphin,
Robert H. Anderson,
O. P. Applegate,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
John Feland,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.
R. Dillard Hunter,
F. M. Hutcheson, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Virgil McKnight,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Garfield Moore,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
Robert C. Simmons,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn
Geo. S. Wilson,
J. Hal. Woodford
W. J. Gooch—91

The journals of yesterday of both Houses, pertaining to the proceedings had in the joint Assembly, were read and approved.

It appearing upon reading of the journals aforesaid that no one person had received a majority of all the votes of said joint Assembly, a majority of all the members elected to both Houses being present and voting, the joint Assembly proceeded, pursuant to law, to take another (the twelfth) joint ballot in the selection of a Senator in the Congress of the United States from the State of Kentucky, as aforesaid, which resulted as follows, viz.:

In the Senate—

Those who voted for J. C. W. Beckham were—

R. B. Brown,	R. L. Hubble,	Frank Rives,
J. P. Chinn,	Conn Linn,	W. W. Tabb,
Thos. A. Combs,	P. S. Maxwell,	E. M. Taylor,
J. A. Donaldson,	J. W. Newman,	J. J. Watkins,
C. B. Ecton,	R. W. Owen,	G. T. Wyatt—17
O. P. Hogan,	Sam H. Peters,	

Those who voted for W. O. Bradley were—

Joe F. Bosworth,	L. C. Nell,	John L. Vice,
A. R. Burnam,	A. J. Oliver,	Ed. E. Walker,
B. C. Grigsby,	Benjamin Sewell,	Geo. Wilhelmi,
G. T. Jarvis,	Hillard H. Smith,	J. W. Wright—14
Ben F. Landrum,	G. A. Taylor,	

Those who vote for J. C. S. Blackburn were—

J. Wheeler Campbell,

Those who voted for Henry Watterson were—

Albert H. Charlton,

Those who voted for James B. McCreary were—

H. S. McNutt,

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

A. A. Allphin,
Robert H. Anderson,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
J. Will Clay,
Dr. C. F. Crecelius,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
F. E. Graves,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
J. H. Jackson,
W. J. Jackson,
Hugh Mahin,
W. C. McChord,
Duncan Milliken,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
H. A Schoberth,
W. H. Shanks,
Robert C. Simmons,
John L. Smith,
John S. Steers,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson,
J. Hal. Woodford
Speaker Gooch—43

Those who voted for W. O. Bradley were—

O. P. Applegate,
F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
H. K. Cole,
Denver B. Cornett,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
J. A. Duff,
John Feland,
Thos. E. Finley,
S. L. Givan,
R. L. Gwathmey,
C. W. G. Hannah,
R. L. Harris,
J. P. Haswell, Jr.
R. F. Hutchinson,
W. Harrison Isaacs
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
Emanuel Meyer,
H. L. Myers,
Garfield Moore,
G. W. Parrott,
C C. Patrick,
Samuel J. Patrick,
G. L. Perryman,
R. S. Rector,
John T. Shanklin,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
D. P. Taggart,
J. P. Wallace,
Harry Weitkamp,
W. C. Wynn,—44

Those who voted for John M. Atherton were—

Chris. Mueller,

Those who voted for John R. Allen were—

W. F. Klair, Virgil McKnight,

Those who voted for James B. McCreary were—

E. W. Lillard,

In summing up the vote of the joint Assembly, it was found to stand thus:

For J. C. W. Beckham	60 votes.
For William O. Bradley	59 votes.
For James B. McCreary	2 votes.
For John R. Allen	2 votes.
For J. C. S. Blackburn	1 vote.
For Henry Watterson	1 vote.
For John M. Atherton	1 vote.
For Henry Watterson	1 vote.

It appearing that no one person has received a majority of all the votes cast, a majority of all the members elected to both Houses being present and voting, the Speaker above named announced that no election was had.

The following pairs were announced:

Senator Cureton with Senator Watson. Mr. Cureton, if present, would vote for Mr. Bradley, and Mr. Watson, if present, would vote for Mr. Beckham.

Senator John T. Smith with Senator Renaker. Mr. Smith, if

present, would vote for Mr. Bradley, and Mr. Renaker, if present. would vote for Mr. Beckham.

Mr. Arnett with Mr. Chase. Mr. Arnett, if present, would vote for Mr. Beckham, and Mr. Chase, if present, would vote for Mr. Bradley.

Mr. Reynolds with Mr. Sloan. Mr. Reynolds, if present, would vote for Mr. Beckham, and Mr. Sloan, if present, would vote for Mr. Bradley.

Mr. Hopkins with Mr. Rice. Mr. Hopkins, if present, would vote for Mr. Beckham, and Mr. Rice, if present, would vote for Mr. Bradley.

Mr. Richardson with Mr. T. C. Jackson. Mr. Richardson, if present, would vote for Mr. Beckham, and Mr. Jackson, if present, would vote for Mr. Bradley.

Mr. Mueller moved that the joint assembly do now dissolve.

Said motion was agreed to.

The Senators retired and the Speaker called the House to order.

The committees to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Brooks, of the Committee on Cities of the Fourth, Fifth and Sixth Classes:

H. B. 76. An act to amend an act approved March 13, 1906, entitled, "An act to amend an act entitled, An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894."

By same:

H. B. 213. An act to amend Section 3643 of the Kentucky Statutes edited by the Hon. John D. Carroll, and of the edition of 1903.

By same:

H. B. 233. An act repealing an act entitled, "An act to incorporate the town of Homer" and repealing an act to amend the charter of the town of Homer, Logan county, Kentucky.

By same:

H. B. 131. An act relating to financial statements of cities of the fifth class.

By same:

H. B. 90. An act relating to financial statements of cities of the sixth class.

By same:

H. B. 170. An act to amend an act for the government of cities of the fourth class, approved June 28, 1893, relating to special judges and being Section 3512 of the Kentucky Statutes.

By Mr. Wilson, of the Committee on Corporate Institutions:

H. B. 105. An act to amend Section 683 and 684 Kentucky Statutes.

By same:

S. B. 33. An act authorizing corporations organized or empowered to construct a dam or dams in any river or stream in this State for the purpose of improving navigation or developing, using, distributing and selling water power, electricity or electrical energy to exercise the right of eminent domain.

By Mr. Klair, of the Committee on Municipalities:

H. B. 261. An act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the power of the several county courts within

this Commonwealth with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised.

By same:

H. B. 262. An act fixing and defining the powers of the several county courts within this Commonwealth with reference to persons responsible for or directly promoting or contributing to the conditions that render a child dependent, neglected or delinquent, and providing how such powers may be exercised.

By same:

An act requiring cities of the first class to levy and collect a tax of not less than thirty-six (36) cents on each one hundred ($100.00) dollars worth of property for taxation for city purposes for the maintenance of the common schools in said cities, being an amendment to Section 2969 of the Kentucky Statutes, which is a part of an act for the government of cities of the first class, approved July 1, 1893.

By same:

H. B. 230. An act to amend Section 2969 of the Kentucky Statutes to compensate school trustees in cities of the first class for attendance at school board and committee meetings.

By same:

H. B. 136. An act to allow veteran voluntary firemen's association pension in the city of Louisville.

By Mr. F. M. Hutcheson, Jr., of the Committee on Printing:

H. B. 40. An act relating to financial statements of cities of the third class.

By Mr. McChord, of the Committee on Revenue and Taxation:

H. B. 107. An act to amend Section 20, Article 8 of an act en-

titled, "An act relating to Revenue and Taxation," approved March 15, 1906.

By same:

H. B. 109. An act to amend an act entitled, "An act relating to Revenue and Taxation," approved March 15, 1906.

By Mr. Brooks, of the Committee on Cities of the Fourth, Fifth and Sixth Classes.

H. B. 75. An act to amend Section 3646 Kentucky Statutes.

Together with an amendment thereto by way of substitute therefor.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

Mr. Simmons moved that the amendment by way of substitute by the Committee on Cities of the Fourth, Fifth and Sixth Classes to the last above named bill, be ordered printed.

Said motion was agreed to.

The House took up for consideration from the calendar, bills as follows, viz:

H. B. 235. An act to establish a sub-Experiment Station in Eastern Kentucky and a like Station in Western Kentucky.

H. B. 204. An act to amend Section 1541 Kentucky Statutes, Carroll's edition, 1903.

H. B. 152. An act to repeal Chapter 71 Acts 1906.

H. B. 91. An act to create a Board of State Bank Examiners, defining their duties, regulating the manner of appointment and removal, and authorizing the examination of all banks, trust companies, and combined banks and trust companies organized under the laws of this Commonwealth.

H. B. 207. An act to regulate the time of holding courts by justices of the peace in Magisterial districts of this Commonwealth for the trial of civil causes.

Ordered, that said bills be severally read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with.

Said bills were severally read the second time by their titles.

Mr. Wilson moved that H. B. 207 above named be recommitted to the Committee on County and City Courts, with leave for said committee to report said bill at any time.

Said motion was agreed to.

Mr. Sullivan moved that H. B. 91 above named be recommitted to the Committee on Banks and Banking.

Said motion was agreed to.

Ordered, that the aboved named bills except H. B. 207 and H. B. 91 be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 22. An act providing for the creation, control and disposition of a fund to be used, under certain conditions, pensioning policemen and families of deceased policemen in cities of the second class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, in the month of July, in the year nineteen hundred and eight, there shall be organized in connection with the police depart-

ment in all cities of the second class in this Commonwealth, a board to be known as the Board of Trustees of the Policemen's Pension Fund, which Board shall be composed of the Mayor, the City Clerk, the City Treasurer, the Chief of Police and the Auditor, and the said Board shall select from its members a President and a Secretary. The City Treasurer shall be ex-officio treasurer of said board; and of the funds coming into its hands. The members of said board shall continue members thereof until their respective successors are selected, or appointed, and qualified.

§ 2. There may be levied and set apart by the general council of all cities of the second class in this Commonwealth for the year nineteen hundred and nine, a tax of not more than one cent on each one hundred dollars of value of the taxable property in said cities for said year, as a fund for the pensioning, as hereinafter provided, of members of the police department, and the families of deceased members thereof in said cities, and a like tax may be levied and set apart for the same purpose for each succeeding year until said sum shall have reached the sum of fifty thousand dollars as of date the first of September preceding, in which event the levy of said tax shall cease; but should said fund thereafter, as of the first of September in any year, fall below the sum of fifty thousand dollars, then said tax may be levied for the next succeeding year and for each year thereafter until said fund shall have again reached the sum of fifty thousand dollars as of the first of September immediately preceding the time of making the usual tax levy in said cities, it being one of the purposes of this act to permit the amount of said fund to be kept at all times as near as possible to fifty thousand dollars. All moneys withheld from officers, members or employes of the police department as punishment for any breach of discipline, misconduct or violation of the rules and regulations shall be paid into said fund each month and credited upon the pay-roll of the department, payable to said fund for that purpose, and all fines imposed by the Police Com-

missioner upon officers, members or employes of the Police Department by the way of dicipline and collectible from pay or salary, shall be paid into the treasury to the credit of said fund.

Donations may also be made to said fund by gift or device. Such donation together with the payments aforesaid and the tax levy aforesaid, shall constitute and be kept as a fund to be called the Policemen's Pension Fund, and the Board hereinbefore designated is hereby declared to be the Trustee of said fund, and it shall have the power and it shall be its duty, from time to time, to invest the same, in whole or in part, as it shall deem most advantageous for the objects of said fund; and it is empowered to take all necessary remedies in the premises.

§ 3. Said Board shall have exclusive control and management of said fund, and may assess each member of the police department one per centum of the salary of such member to be deducted and withheld from the monthly pay of each member so assessed, the same to be placed by the Treasurer of each city of the second class to the credit of such fund, subject to the order of such Board.

§ 4. Said Board shall make all needful rules and regulations for it government in the discharge of its duties, and shall hear and decide all applications for relief or pensions under this act, and its decisions on such applications shall be final and conclusive, and not subject to review, revision or reversal except by said Board and a record shall be kept by its Secretary of all meetings and proceedings of said Board.

§ 5. Said Board of Trustees shall have power to draw said pension fund from the treasury and may invest the same, or any part thereof, in the name of the Board of Trustees of the Policemen's Pension Fund, in interest bearing bonds of the United States, or the State of Kentucky, or any city of the second class in the State of Kentucky, and all such securities shall be deposited with the Treasurer of said Board, and shall be subject to the order of said Board.

§ 6. Both the principal and interest of said pension fund shall be applicable to the payment of pensions under this act.

§ 7. If any officer, member or employe of the police department, while in the performance of his duty, becomes temporarily totally disabled, physically or mentally, for service, by reason of service in such department, the Board of Trustees shall order the payment from said pension fund to such disabled officer, member or employe, monthly during such disability, not to exceed one year, a sum equal to the monthly compensation allowed such officer, member or employe as salary at the date of his disability, provided such officer, member or employe during the same period is paid no salary as such officer, member or employe. If any officer, member, or employe of the police department while in the performance of his duty becomes mentally or physically permanently disabled by reason of his service in such department so as to render necessary his retirement from service in said department, said Board of Trustees shall retire said disabled officer, member from service in such police department. Provided, no such retirement on account of disability shall occur unless such officer, member or employe has contracted such disability while in the service of said police department; and upon such retirement the Board of Trustees shall order the payment to such disabled officer, member or employe of such police department, monthly, from said pension fund, a sum equal to one-half of the monthly compensation allowed to such officer, member or employe as salary at the date of his retirement. If any officer, member or employe of said police department shall, while in the performance of his duty, be killed, or die as the result of an injury received in the line of his duty, or after having served in the department for fifteen consecutive years shall die, while in the service or on the retired list, from any cause, and shall leave a widow, or child, or children, under the age of fourteen years, or, if unmarried and childless, shall leave a dependent father and mother surviving, said Board of Trustees shall direct the payment

from said pension fund, monthly, to such widow, while unmarried, of thirty dollars, and for each child until it reaches the age of fourteen years, six dollars, and to the dependent father and mother, if such officer, member or employe was unmarried and childless, thirty dollars, the pension to the father and mother to be paid as follows: If the father be dead, the mother shall receive the entire thirty dollars, and if the mother be dead the father shall receive the entire thirty dollars, and if both living each shall receive fifteen dollars.

§ 8. Any officer, member or employe of the police department of such cities, having served twenty-five years or more, whether consecutively or not, in such police department, may make application to be retired from service in such police department, and, if his application is granted, said Board of Trustees shall order and direct that such person be paid from said Policemen's Pension Fund, a monthly pension equal to one-half the amount of salary said person was in receipt of as a member of said department at the time of the granting of his application: Provided, That no such application shall be granted, unless the person so applying shall have reached the age of sixty years.

§ 9. If at any time there shall not be sufficient money in the Policemen's Pension Fund to pay each person entitled to the benefit thereof the amount per month as herein provided, then an equal percentage of such monthly payments shall be made to each beneficiary until the said fund shall be so replenished as to warrant the payment in full to each of said beneficiaries.

§ 10. Whenever an active or retired policeman shall die the Board of Trustees may appropriate from the pension fund a sum not exceeding one hundred dollars, to his widow or family for funeral expenses, and may expend a sum not exceeding fifty dollars for the expense of the attendance of policemen at the funeral.

§ 11. No person shall be entitled to receive any pension from the said fund, except a regularly retired officer, member or employe, or a regular officer, member or employe in said police depart-

ment, his widow and children under the age of fourteen years, and his dependent father and mother.

§ 12. The Treasurer of the Board of Trustees shall be the custodian of said pension fund, and shall secure and safely keep the same subject to the control and direction of the Board, and shall keep his books and accounts concerning such fund in such manner as may be prescribed by the Board, and the said books and accounts shall always be subject to the inspection of the Board, or any member thereof.

The treasurer shall, within ten days after his election or appointment, execute a bond to the city, with good and sufficient surety, in such penal sum as the Board shall direct, to be approved by the Board, conditioned for the faithful performance of the duties of his office, and that he will safely keep and well and truthfully account for all the moneys and properties which may come into his hands as such Treasurer, and that, upon the expiration of his term of office, he will surrender and deliver to his successor all bonds, securities, and all unexpended moneys, or other properties which may have come into his hands as Treasurer of said fund.

Said bond shall be filed in the office of the Auditor as other bonds, and may be sued on in the name of said city, for the use of said Board, or in the name of said Board, or any person or persons injured by a breach thereof.

§ 13. It shall be the duty of such officer or officers of the city as are designated by law to draw warrants on the Treasurer of city on request in writing of said Board of Trustees, to draw warrants on the Treasurer of said city payable to the Treasurer of said Board of Trustees, for all funds belonging to said pension fund as aforesaid.

§ 14. All moneys ordered to be paid from said pension fund to any person or persons shall be paid by the Treasurer of the Board of Trustees only upon warrant signed by the President of said Board, and countersigned by the Secretary thereof, and no warrant

shall be drawn except by order of the Board after having been duly entered on the records of the proceedings of the Board.

Section 15. The Board of Trustees shall make a report to the General Council of said city of the condition of said pension fund, on the last meeting night in August in each and every year.

Section 16. No portion of said pension fund shall, before or after its order for distribution by the Board of Trustees to the persons entitled thereto, be held, seized, taken, subject to, detained or levied by virtue of any attachment, execution, injunction, writ, interlocutory, or any other order or decree, or any process or proceeding whatever issued out of or by any court of this State for the payment or satisfaction, in whole or in part, of any debt, damage, claim, demand, or judgment against the beneficiary of said fund; but said fund shall be held and distributed for the purposes of this act, and for no other purpose whatever.

§ 17. It shall be the duty of attorneys of cities of the second class to give advice to the Board of Trustees of the Policemen's Pension Fund in all matters pertaining to their duties and management of said fund whenever thereunto requested, and he shall represent and defend said Board as its attorney in all suits or actions at law or in equity that may be brought against it, and bring all suits and actions in its behalf that may be required or determined upon by said Board.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson,	W. H. Jones,	J. A. Sloan,
O. P. Applegate,	W. F. Klair,	John L. Smith,
Elliott B. Beard,	W. L. Kimbrough,	John S. Steers,
J. W. Berkshire,	E. W. Lillard,	R. E. Stewart,
P. W. Berkshire,	Jasper D. Lowder,	W. H. Strange,
J. T. Buford,	Hugh Mahin,	J. W. Stump,
J. Will Clay,	J. B. Maynard,	J. A. Sullivan,
Dr. C. F. Crecelius,	W. C. McChord,	J. B. Swann,
John T. Davis,	Virgil McKnight,	Eugene W. Tandy,
W. A. B. Davis,	Emanuel Meyer,	C. S. Templeman,
Thurman B. Dixon,	H. L. Myers,	Wm. M. Thompson,
J. A. Duff,	Duncan Milliken,	Geo. C. Waggoner,
F. E. Graves,	Garfield Moore,	John P. Wallace,
C. W. G. Hannah,	Chris. Mueller,	E. E. Wash,
R. Dillard Hunter,	Jesse F. Nichols,	Harry Weitkamp,
F. M. Hutcheson, Jr.	J. F. Porter,	W. R. Whitlow,
R. F. Hutchinson,	H. A. Schoberth,	Geo. S. Wilson,
W. Harrison Isaacs.	John T. Shanklin,	J. Hal. Woodford-56
J. H. Jackson,	Robert C. Simmons,	

Those who voted in the negative were—

Robert Enlow,	Wm. S. Markolf,	John C. Pirtle,
R. L. Gwathmey,	Samuel J. Patrick,	W. C. Wynn,—7
W. J. Jackson,		

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 101. An act to amend Section 3 of an act of the General Assembly of the Commonwealth of Kentucky, approved March 21, 1906 entitled, "An act permitting persons to combine or pool their crops of wheat, tobacco and other products and sell same as a whole, and making contracts in pursuance thereof valid, being Chapter 117 of the

Acts of the General Assembly of the Commonwealth of Kentucky, for the year 1906."

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3 of an act entitled an act permitting persons to combine or pool their crops of wheat, tobacco and other products and sell same as a whole and making contracts in pursuance thereof valid, approved March 21, 1906, being chapter 117 of the acts of the General Assembly of the Commonwealth of Kentucky for the year 1906, be and the same is hereby amended and re-enacted so as to read as follows:

Such persons so entering into such an agreement or contract as is set out in the foregoing sections are hereby permitted to select an agent or agents through or by or with whom said parties so entering into such agreement may classify, grade, store, hold, sell, or dispose of said crop, or any of them, and said agent or agents shall have the right to take, receive, hold, store, classify, grade, sell or dispose of said crop so placed in said agreement, for the purpose of accomplishing the object of such combination or agreement between such principals, and contracts and agreements entered into by such agent or agents for the purpose of classifying, grading, storing, holding, selling or disposing of said crop so combined, united or pooled, either in parcel or as a whole, are hereby permitted, and shall not, because of any such combination or purpose of such original agreement of such principals so entering into said combination, or of such agent or agents, be declared illegal or invalid. All contract heretofore made by any person or persons for the purpose set out in the foregoing sections are hereby declared valid, if otherwise legally binding on the parties. To prevent any breach or violation of any contract made for the purposes set out in the foregoing sections a restraining order and

writ of injunction may be issued by proper officer, as prescribed in the civil code of practice.

For any breach or violation of any contract entered into for the purposes set out in the foregoing sections, the injured party may recover the damages sustained by him by reason of such violation of such contract of the person violating the same, and also of any person who shall induce or persuade another to violate such contract, which damages shall include the reasonable expense and attorney's fee incurred by the injured party in prosecuting an action to recover such damages, or to prevent a violation of such contract, if the party complaining shall succeed in doing so, which may be recovered in the same action or original proceeding. Said agent when so selected as herein provided shall have the sole right to sell said crop so pooled or combined, and it shall be unlawful for any owner of such crop to sell or dispose of same and for any person to purchase the same without the written consent of such agent and upon conviction thereof he or they shall be fined in any sum or amount not exceeding two hundred and fifty dollars for each offense to be fixed by the jury in their discretion.

§ 2. Whereas, many crops of tobacco and other products have been combined and pooled in this State under contract and agreement entered into for the purpose set out in the above section, an emergency is now declared to exist which requires that this act should and it shall take effect from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution, were as follows:

Those who voted in the affirmative were—

A. A. Allphin,	R. F. Hutchinson,	H. A. Schoberth,
Robert H. Anderson,	J. H. Jackson,	W. H. Shanks,
O. P. Applegate,	W. J. Jackson,	John T. Shanklin,
Elliott B. Beard,	W. H. Jones,	Robert C. Simmons,
J. W. Berkshire,	W. F. Klair,	J. A. Sloan,
P. W. Berkshire,	W. L. Kimbrough,	John L. Smith,
O. Houston Brooks,	A. T. Knox,	Sawyer A. Smith,
Frank J. Brown,	E. W. Lillard,	John S. Steers,
J. T. Buford,	Jasper D. Lowder,	R. E. Stewart,
Albert Butler,	Hugh Mahin,	W. H. Strange,
J. Will Clay,	J. B. Maynard,	J. W. Stump,
H. K. Cole,	W. C. McChord,	J. A. Sullivan,
Dr. C. F. Crecelius,	Virgil McKnight,	J. B. Swann,
John T. Davis,	H. L. Myers,	D. P. Taggart,
W. A. B. Davis,	Duncan Milliken,	Eugene W. Tandy,
Henry H. Denham,	Jesse F. Nichols,	C. S. Templeman,
Thurman B. Dixon,	A. C. Oliver,	Wm. M. Thompson,
J. A. Duff,	G. W. Parrott,	Geo. C. Waggoner,
W. F. Edmunds,	C. C. Patrick,	J. P. Wallace,
Robert Enlow,	Samuel J. Patrick,	E. E. Wash,
S. L. Givan,	W. V. Perry,	Harry Weitkamp,
F. E. Graves,	John C. Pirtle,	W. R. Whitlow,
John P. Haswell, Jr.	J. F. Porter,	W. C. Wynn,
R. Dillard Hunter,	R. S. Rector,	Geo. S. Wilson,
F. M. Hutcheson, Jr.	Isaac G. Rice,	J. Hal. Woodford 75

Those who voted in the negative were—

C. W. G. Hannah,

Resolved, that the title thereof be as aforesaid.

And then the House adjourned.

FRIDAY, FEBRUARY 7, 1908.

The House was opened with prayer by the Rev. William Crowe, of the Presbyterian Church, Southern Assembly.

The reading of the journal of yesterday's proceedings was dispensed with.

The Speaker laid before the House the following communications, viz.:

(1) To the members of the General Assembly of the Commonwealth of Kentucky:

Gentlemen:

The seven hundred superintendents, teachers, and friends of education assembled in the Second Educational Conference and Convocation of County Superintendents endorse the measure now pending, granting school suffrage to women.

Signed:
JOEL H. PILE.
WARREN PAYTON,
W. B. ARNOLD,
J. W. BUSH,
J. E. SHAVER,
Committee.

Bowling Green, Ky., February 5, 1908.

(2) To the members of the General Assembly of the Commonwealth of Kentucky:

Gentlemen:

The seven hundred superintendents, teachers and friends of education assembled in the Second Educational Conference and Convoca-

tion of County Superintendents, realizing the great need of our public schools, and believing that the time is here for decisive action, do earnestly urge upon your honorable body to take immediate action looking to the betterment of our schools and school system, and to this end we, without dissenting vote, request the passage of the following bills now pending in the Senate and House of Representatives:

(1) Senate bill 139 and House bill 255, relating to certain field duties of the Superintendent of Public Instruction and traveling expenses to cover same:

(2) Senate bill 122 and House bill 205, relating to the creation of an Educational Commission to revise and codify the school laws, said commission to report to the next session of the General Assembly.

(3) Senate bill 77, and House bill 141, relating to a change of trustee system and establishing the county as the school unit.

Believing in the sincerity and eminent ability of our Superintendent of Public Instruction, Professor J. G. Crabbe, we wish to express our absolute confidence in him and we respectfully ask and urge that he be given due consideration in all matters pertaining to education, and we fully endorse his progressive efforts for the cause of education in our Commonwealth.

Signed:

JOEL H. PILE.
WARREN PAYTON,
W. B. ARNOLD,
J. W. BUSH,
J. E. SHAVER,
Committee.

Bowling Green, Ky., February 5, 1908.

(3) To the members of the General Assembly of the Commonwealth of Kentucky:

Gentlemen:

The seven hundred superintendents, teachers, and friends of education assembled in the Second Educational Conference and Convocation of County Superintendents request and urge the speedy passage of the bills now pending looking to the strengthening of the State College and the two State Normal Schools carrying with them suitable appropriations.

Signed:

JOEL H. PILE.
WARREN PAYTON,
W. B. ARNOLD,
J. W. BUSH,
J. E. SHAVER,
Committee.

Bowling Green, Ky., February 5, 1908.

Which were received, read and ordered to be referred, 1st and 2d to the Committee on Education No. 1, and the 3d to the Committee on State College and State Normal Schools.

By unanimous consent the House took up for consideration from the orders of the day a bill, entitled:

H. B. 157. An act for preventing the manufacture and sale of adulterated or misbranded foods, drugs, medicines and liquors.

Together with the substitute amendment proposed by the Committee on Public Health.

Mr. McKnight moved that the further consideration of said bill be postponed, and that the same be made a special order of the day for Tuesday next, February 11th, at 11 o'clock A. M.

Said motion was agreed to.

Mr. Gwathmey called from the Clerk's desk a concurrent resolution proposed by himself on yesterday.

(For resolution see yesterday's journal.)

Mr. McKnight moved that said resolution be referred to the Committee on Constitutional Amendments.

Said motion was agreed to.

The yeas and nays being required on said motion by Messrs. Gwathmey and Haswell, were as follows, viz.:

Those who voted in the affirmative were—

O. P. Applegate,	S. L. Givan,	Garfield Moore,
Louis W. Arnett,	F. E. Graves,	Chris. Mueller,
J. W. Berkshire,	C. W. G. Hannah,	A. C. Oliver,
P. W. Berkshire,	R. Dillard Hunter,	Samuel J. Patrick,
F. Pierce Blair,	F. M. Hutcheson, Jr.	G. L. Perryman,
O. Houston Brooks,	R. F. Hutchinson,	R. S. Rector,
J. T. Buford,	W. Harrison Isaacs,	J. A. Sloan,
Albert Butler,	J. H. Jackson,	John L. Smith,
J. Will Clay,	W. H. Jones,	Sawyer A. Smith,
W. A. Cope,	W. F. Klair,	W. H. Strange,
Denver B. Cornett,	W. L. Kimbrough,	J. A. Sullivan,
Dr. C. F. Crecelius,	Cleves G. Kinkead,	J. B. Swann,
John T. Davis,	A. T. Knox,	D. P. Taggart,
W. A. B. Davis,	E. W. Lillard,	Eugene W. Tandy,
Henry H. Denham,	Jasper D. Lowder,	Wm. M. Thompson.
Thurman B. Dixon,	Hugh Mahin,	E. E. Wash,
Wm. E. Dowling,	Wm. S. Markolf,	Harry Weitkamp,
J. A. Duff,	Virgil McKnight,	W. R. Whitlow,
John Feland,	H. L. Myers,	W. C. Wynn—58
Thos. E. Finley,		

Those who voted in the negative were—.

A. A. Allphin,	Emanuel Meyer,	John S. Steers,
Elliott B. Beard,	Duncan Milliken,	R. E. Stewart,
Frank J. Brown,	C. C. Patrick,	J. W. Stump,
Robert Enlow,	John C. Pirtle,	C. S. Templeman,

R. L. Gwathmey,	J. F. Porter,	Geo. C. Waggoner,
J. P. Haswell, Jr.	W. H. Shanks,	John P. Wallace,
W. J. Jackson,	John T. Shanklin,	Geo. S. Wilson,
A. T. Lee,	Robert C. Simmons,	J. Hal. Woodford,–25
J. B. Maynard,		

Mr. Gwathmey offered the following resolution, viz.:

Whereas, The Democratic candidate for Governor and other Democratic speakers on the stump during the campaign closed November last, stated that the State of Kentucky was in excellent financial condition and that there was at that time and would be at the end of the present fiscal year a large surplus in the State Treasury, and whereas, there is now pending before the General Assembly many bills calling for large appropriations, and whereas, there is also a bill before this House proposing to reduce the tax rate, and whereas, there is not now any such large surplus as reported and the probability is that there will be a deficit rather than a surplus in the Treasury at the close of the present fiscal year.

Now, therefore, in order that this General Assembly may intelligently deal with the legislation proposing appropriations and the tax rate,

Be it resolved, that a committee of five, consisting of three Democrats and two Republicans, be appointed by the Speaker of this House from the membership thereof for the purpose of investigating the financial condition of the State Treasury and report at the earliest practicable date, giving the following information:

1. The amount of money in the Treasury at the beginning of business on January 6, 1908, and the claims due and paid from said date to and including January 31, 1908.

2. The balance in the Treasury at the close of business on January 31st, and the amount of due and unpaid claims, if any, which are chargeable against such balance.

3. An estimate of the amounts likely to be paid into the Treasury during the remaining months of the present fiscal year, based upon the amounts paid into the Treasury during the same months of the last preceding fiscal year, and also an estimate of the amounts likely to be paid out during the remainder of present fiscal year.

4. The probable balance (surplus or deficit) in the Treasury at the close of the present fiscal year, and finally an estimate, based on the present tax rate of the balance, surplus or deficit, in the Treasury at the end of the present fiscal year.

Mr. McKnight moved that said resolution be referred to the Committee on Appropriations.

Said motion was disagreed to.

Said resolution was then agreed to.

Mr. Sullivan offered the following resolution, viz.:

Be it resolved by the House, that there be and is appropriated as a contingent expense of the House the sum of $270.00 to defray the necessary expenses of the members of the Committee on State College and State Normal Schools of this House in going to and inspecting the needs and conditions of the said college at Lexington, Ky., and two Normal Schools at Richmond, Ky., and Bowling Green, Ky., and that said sum be paid to Gates Young, acting secretary of said committee, for said purpose.

Said resolution was agreed to.

Mr. Klair moved that when this House adjourn to-day it be to meet on Monday next, February 10th.

Said motion was agreed to.

The committees to which the same had been referred reported a joint resolution and bills of the following titles, viz.:

By Mr. Allphin, of the Committee on Claims:

H. Res. 4. Resolution for the benefit of H. D. Arnold.

By Mr. Porter, of the Committee on Charitable Institutions:

H. B. 44. An act to amend an act entitled, "An act for the benefit of the Kentucky Children's Homes Society."

By Mr. Graves, of the Committee on County and City Courts:

H. B. 257. An act to amend Section 1882, Chapter 52, Article 5, of the Kentucky Statutes, Carroll's Edition of 1903, entitled Fiscal Courts.

By Mr. Pirtle, of the Committee on Education No. 1:

H. B. 64. An act to promote and compel attendance of Children in schools and to prevent truancy in cities of the first, second, third and fourth classes and to enable boards of education or boards of school trustees of cities of the first and second class to establish and maintain parental or truant schools for the care and discipline of truant children, and for the purpose of reducing truancy.

With an amendment thereto by way of a substitute therefor.

By Mr. Waggoner, of the Committee on Geological Survey:

H. B. 198. An act providing for the continuation of the Geological, Topographical and Agricultural Survey of the State of Kentucky, and for the continuation of topographical surveys in co-operation with the United States Geological Survey.

By Mr. Sullivan, of the Committee on Judiciary:

H. B. 188. An act to amend Section 202, Kentucky Statutes.

By same:

H. B. 189. An act to amend Section 2033, Kentucky Statutes.

By Mr. Milliken, of the Committee on Kentucky Statutes:

H. B. 259. An act to regulate the admission of Attorneys to practice law.

By same:

H. B. 143. An act to amend an act entitled, "An act to amend Section 4315, Kentucky Statutes, being Chapter 110 of the Kentucky Statutes," approved March 21, 1906.

By Mr. Crecelius, of the Committee on Public Health:

H. B. 130. An act to regulate the matriculation of medical and dental colleges of this Commonwealth.

By same:

H. B. 179. An act enabling the Kentucky Board of Pharmacy to exchange certificates of registration with other States allowing pharmacists registered in a foreign state to practice pharmacy in the State of Kentucky.

With an amendment thereto.

By Mr. Enlow, of the Committee on Public Morals:

H. B. 46. An act to prevent the playing of baseball, townball, football or other similar games on Sunday.

With an amendment thereto.

By same:

H. B. 249. An act to protect religious worship in assemblages known as associations, camp meetings, etc.

With an amendment thereto.

By same:

H. B. 239. An act to amend Chapter 63 of the acts of 1906, entitled, "An act to regulate the carrying, moving, delivering, trans-

ferring and distributing of intoxicating liquors in local option districts."

By Mr. Sullivan, of the Committee on State College and State Normal Schools:

H. B. 26. An act to change the name of the Agricultural and Mechanical College of Kentucky to State University of Lexington, Kentucky, and to amend parts of the laws with reference to said college and to make the whole apply to said University.

With amendments thereto.

By same:

H. B. 92. An act to amend an act approved March 21, 1906, entitled, "An act to establish a system of State Normal Schools in Kentucky; to create a Board of Regents, for the general management thereof; to create a Normal Executive Council, which shall determine the requirements for admission and graduation, and the course of study for the said schools; to create a commission which shall determine the location of said schools, and to appropriate funds for their maintenance.

With an amendment thereto by way of substitute therefor.

By same:

H. B. 140. An act for the benefit of the three State Educational Institutions, viz.: State University, Eastern Kentucky State Normal School and Western Kentucky State Normal School, appropriating money for the erection of necessary buildings, furnishing necessary equipment, purchasing necessary additional grounds, and providing additional revenue for the maintenance of each of the said institutions and amending the laws with reference thereto.

With amendments thereto.

Said bills were severally read the first time at length, and ordered to be placed on the calendar.

Mr. Graves, of the Committee on County and City Courts, to which the same had been recommitted, reported a bill entitled:

H. B. 207. An act to regulate the time of holding courts by justices of the peace in magisterial districts in this Commonwealth for the trial of civil causes.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Each justice of the peace shall hold a court in his district, for the trial of civil causes, once in every month in each year, the term to continue until the business is disposed of. The terms shall be fixed by an order of the county court, entered of record, and when so fixed shall not be changed except at the last regular term of the county court, held in the year next preceding the year in which the change is to be made.

§ 2. The county courts shall fix the time of holding said courts at their next regular terms after this act shall have become a law.

§ 3. All acts and parts of acts, in conflict herewith, are hereby repealed.

Ordered, that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length, being dispensed with.

Said bill was read the third time by its title, and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
O. P. Applegate,
Louis W. Arnett,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
Albert Butler,
Dr. C. F. Crecelius,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
John Feland,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
C. W. G. Hannah,
Robert L. Harris,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
W. Harrison Isaacs,
W. J. Jackson,
W. F. Klair,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
J. B. Maynard,
Virgil McKnight,
Emanuel Meyer,
Duncan Milliken,
Garfield Moore,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
W. H. Shanks,
John T. Shanklin,
Robert C. Simmons,
John L. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford 65

Resolved, that the title thereof be as aforesaid.

The hour of 12 o clock meridian, having arrived the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided, the members of the Senate of Kentucky appeared and entered upon the floor of the House of Representatives, and in pursuance of a joint rule of the Senate and House of Representatives, Hon.

W. J. Gooch, Speaker of the House of Representatives, presided over the joint Assembly. Hon. W. H. Cox, Lieutenant Governor, and President of the Senate took his seat on the left of the Speaker.

The members of the two Houses were convened in joint Assembly, the same being composed of a majority of all the members elected to both Houses. The roll was called and the following Senators and Representatives answered to their names, viz.:

In the Senate—

R. B. Brown,	G. T. Jarvis,	Frank Rives,
A. R. Burnam,	Ben F. Landrum,	Benjamin Sewell,
J. Wheeler Campbell,	Conn Linn,	Hillard H. Smith,
Albert H. Charlton,	P. S. Maxwell,	W. W. Tabb,
J. P. Chinn,	H. S. McNutt,	G. A. Taylor,
Nat. C. Cureton,	L. C. Nell,	John L. Vice,
J. A. Donaldson,	J. W. Newman,	Ed. E. Walker,
C. B. Ecton,	A. J. Oliver,	J. J. Watkins,
B. C. Grigsby,	R. W. Owen,	J. W. Wright
O. P. Hogan,	Sam H. Peters,	G. T. Wyatt—32
R. L. Hubble,	E. K. Renaker,	

In the House of Representatives—

A. A. Allphin,	Robert L. Harris,	G. L. Perryman,
O. P. Applegate,	John P. Haswell, Jr.	John C. Pirtle,
Elliott B. Beard,	R. Dillard Hunter,	J. F. Porter,
J. W. Berkshire,	F. M. Hutcheson, Jr.	R. S. Rector,
P. W. Berkshire,	R. F. Hutchinson,	H. A. Schoberth,
F. Pierce Blair,	W. Harrison Isaacs,	W. H. Shanks,
O. Houston Brooks,	J. H. Jackson,	John T. Shanklin,
Frank J. Brown,	W. J. Jackson,	Robert C. Simmons,
W. N. Brown, Jr.	W. H. Jones,	John L. Smith,
J. T. Buford,	W. F. Klair,	Sawyer A. Smith,
Albert Butler,	W. L. Kimbrough,	John S. Steers,
J. Will Clay,	Cleves G. Kinkead,	R. E. Stewart,
H. K. Cole,	A. T. Knox,	W. H. Strange,

Denver B. Cornett,	A. T. Lee,	J. W. Stump,
Dr. C. F. Crecelius,	E. W. Lillard,	J. A. Sullivan,
John T. Davis,	Jasper D. Lowder,	J. B. Swann,
W. A. B. Davis,	Hugh Mahin,	D. P. Taggart,
Henry H. Denham,	Wm. S. Markolf,	Eugene W. Tandy,
Thurman B. Dixon,	J. B. Maynard,	C. S. Templeman,
Wm. E. Dowling,	Virgil McKnight,	Wm. M. Thompson,
J. A. Duff,	Emanuel Meyer,	Geo. C. Waggoner,
W. F. Edmunds,	H. L. Myers,	John P. Wallace,
Robert Enlow,	Duncan Milliken,	E. E. Wash,
John Feland,	Garfield Moore,	Harry Weitkamp,
Thos. E. Finley,	Chris. Mueller,	W. R. Whitlow,
S. L. Givan,	Jesse F. Nichols,	W. C. Wynn
F. E. Graves,	A. C. Oliver,	Geo. S. Wilson,
R. L. Gwathmey,	Samuel J. Patrick,	J. Hal. Woodford
C. W. G. Hannah,	W. V. Perry,	Speaker Gooch—87

The journals of yesterday of both Houses, pertaining to the proceedings had in joint Assembly, were read and approved.

It appearing upon reading of the Journals aforesaid that no one person had received a majority of all the votes of said joint Assembly, a majority of all the members elected to both Houses being present and voting, the joint Assembly proceeded, pursuant to law, to take another (the 13th) joint ballot in the selection of a Senator in the Congress of the United States from the State of Kentucky, as aforesaid, which resulted as follows, viz.:

In the Senate—

Those who voted for W. O. Bradley were—

R. B. Brown,	Conn Linn,	E. K. Renaker,
J. P. Chinn,	P. S. Maxwell,	Frank Rives,
J. A. Donáldson,	J. W. Newman,	W. W. Tabb,
C. B. Ecton,	R. W. Owen,	J. J. Watkins,
O. P. Hogan,	Sam H. Peters,	G. T. Wyatt—16
R. L. Hubble,		

Those who voted for William O. Bradley were—

A. R. Burnam, L. C. Nell, G. A. Taylor,
Nat. C. Cureton, A. J. Oliver, John L. Vice,
B. C. Grigsby, Benjamin Sewell, Ed. E. Walker,
G. T. Jarvis, Hillard H. Smith, J. W. Wright,—13
Ben F. Landrum,

Those who voted for Henry Watterson were—

J. Wheeler Campbell, Albert H. Charlton,

Those who voted for James B. McCreary were—

H. S. McNutt,

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

A. A. Allphin, F. M. Hutcheson, Jr. John S. Steers,
Elliott B. Beard, J. H. Jackson, J. W. Stump,
J. W. Berkshire, W. J. Jackson, J. A. Sullivan,
P. W. Berkshire, Hugh Mahin, J. B. Swann,
O. Houston Brooks, Duncan Milliken, Eugene W. Tandy,
Frank J. Brown, Jesse F. Nichols, C. S. Templeman,
J. T. Buford, A. C. Oliver, Wm. M. Thompson,
J. Will Clay, W. V. Perry, Geo. C. Waggoner,
Dr. C. F. Crecelius, John C. Pirtle, E. E. Wash,
Wm. E. Dowling, J. F. Porter, W. R. Whitlow,
W. F. Edmunds, H. A. Schoberth, Geo. S. Wilson,
Robert Enlow, W. H. Shanks, J. Hal. Woodford,
F. E. Graves, Robert C. Simmons, Speaker Gooch —41
R. Dillard Hunter, John L. Smith,

Those who voted for W. O. Bradley were—

O. P. Applegate, R. L. Gwathmey, Emanuel Meyer,

F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
J. A. Duff,
John Feland,
Thos. E. Finley,
S. L. Givan,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
H. L. Myers,
Garfield Moore,
Samuel J. Patrick,
G. L. Perryman,
R. S. Rector,
John T. Shanklin,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
D. P. Taggart,
John P. Wallace,
Harry Weitkamp,
W. C. Wynn—43

Those who voted for John R. Allen were—

W. F. Klair, Virgil McKnight,

Those who voted for James B. McCreary were—

E. W. Lillard,

Those who voted for John D. Wakefield were—

Chris. Mueller,

In summing up the vote of the joint Assembly, it was found to stand thus:

For J. C. W. Beckham.....57 votes.
For William O. Bradley.....56 votes.
For Henry Watterson..... 2 votes.
For James B. McCreary..... 2 votes.
For John R. Allen..... 2 votes.
For John D. Wakefield..... 1 vote.

Total number of votes cast.....120

It appearing that no one person had received a majority of all the votes cast, a majority of all members elected to both Houses being present and voting, the Speaker above named declared that no election was had.

The following pairs were announced:

Senator Combs with Senator Wilhelmi; Mr. Combs, if present, would vote for Mr Beckham, and Mr. Wilhelmi, if present, would vote for Mr. Bradley.

Senator Watson with Senator John T. Smith; Mr. Watson, if present, would vote for Mr. Beckham, and Mr. Smith, if present, would vote for Mr. Bradley.

Senator E. M. Taylor with Senator Bosworth; Mr. Taylor, if present, would vote for Mr. Beckham, and Mr. Bosworth, if present, would vote for Mr. Bradley.

Mr. Anderson with Mr. C. C. Patrick; Mr. Anderson, if present, would vote for Mr. Beckham, and Mr. Patrick, if present, would vote for Mr. Bradley.

Mr. Arnett with Mr. Chase; Mr. Arnett, if present, would vote for Mr. Beckham, and Mr. Chase, if present, would vote for Mr. Bradley.

Mr. Hopkins with Mr. Rice; Mr. Hopkins, if present, would vote for Mr. Beckham, and Mr. Rice, if present, would vote for Mr. Bradley.

Mr. Richardson with Mr. T. C. Jackson; Mr. Richardson, if present, would vote for Mr. Beckham, and Mr. Jackson, if present would vote for Mr. Bradley.

Mr. Reynolds with Mr. Sloan; Mr. Reynolds, if present, would vote for Mr. Beckham, and Mr. Sloan, if present, would vote for Mr. Bradley.

Mr. McChord with Mr. Parrott; Mr. McChord, if present, would vote for Mr. Beckham, and Mr. Parrott, if present, would vote for Mr. Bradley.

Mr. Mueller moved that the joint assembly do now dissolve.

Said motion was agreed to.

The Senators retired and the Speaker called the House to order.

The House took up for consideration from the orders of the day, a bill entitled:

S. B. 11. An act to provide the Senate and House of Representatives of the State of Kentucky with Messengers and Stenographers or Copyists during the present session of the General Assembly.

Together with an amendment thereto by way of substitute therefor proposed by the Committee on Rules.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, empowered to employ two competent persons to take charge of the various bills which may be introduced in the said houses respectively, and to furnish same upon demand in convenient form for the use of Senators and Representatives, said employes to be known as messengers.

§ 2. The President of the Senate and the Speaker of the House of Representatives are also empowered to employ four competent stenographers or copyists during the present session of the General Assembly for the assistance of the various committees of the Senate and House of Representatives in the preparation of bills, etc., which may be introduced in said houses respectively, two of said stenograph-

ers or copyists for the use and convenience of the members of the Senate and two for the use and convenience of the members of the House of Representatives.

§ 3. The said President of the Senate and Speaker of the House of Representatives are authorized and directed to fix offices for said stenographers or copyists where they may be found by members of the Senate and House when their services may be needed.

§ 4. The compensation of said messengers and stenographers or copyists are fixed at not exceeding four dollars per day during the present session of the General Assembly; said compensation shall be paid weekly out of the treasury of the State upon the warrant of the Auditor of Public Accounts upon the certificate of the President of the Senate and the Speaker of the House.

§ 5. An emergency is hereby declared, and this act shall be in force from and after its passage.

The substitute as proposed by said committee is as follows, viz.:

AN ACT to provide the Senate and House of Representatives with necessary messengers and stenographers and typewriters during the present session of the General Assembly.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The President of the Senate is hereby empowered and authorized to appoint two persons as messengers who shall perform such duties as may be designated for and imposed upon them by the President of the Senate. He is also authorized to appoint two stenographers or typewriters who shall assist the clerk and assist the Senators and the several committees and perform such duties as the President may designate.

§ 2. The Speaker of the House is empowered and authorized to appoint six persons as messengers who shall perform such duties as

the Speaker may designate for and impose upon them. He is also authorized to appoint two stenographers or typewriters who shall assist the members of the House and the several committees thereof and perform such other duties as the Speaker may designate for and impose upon them, and also a typewriter or copyist who shall assist the chief clerk and perform such duties as the chief clerk may designate.

§ 3. The said President of the Senate and Speaker of the House are authorized to fix offices for said stenographers where they may be found by the members of the Senate and House when their services may be needed.

§ 4. The compensation of said messengers and stenographers shall not exceed four dollars per day during the present session of the General Assembly, said compensation to be fixed by the President of the Senate and Speaker of the House and shall commence with the beginning of this session. The Auditor of Public Accounts is directed to draw his warrant on the Treasurer for the salary of said employes upon the certificate of the President of the Senate and Speaker of the House respectively.

§ 5. An emergency is hereby declared and this act shall be in force from and after its passage.

Said substitute amendment was agreed to.

Ordered, that said bill as amended be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin, Robert L. Harris, W. V. Perry,

O. P. Applegate,
Louis W. Arnett,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
J. Will Clay,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
W. F. Edmunds,
John Feland,
S. L. Givan,
F. E. Graves,
R. L. Gwathmey,
C. W. G. Hannah,
J. P. Haswell, Jr.
R. Dillard Hunter,
F. M. Hutcheson, Jr.
R. F. Hutchinson,
W. Harrison Isaacs.
J. H. Jackson,
W. H. Jones,
W. F. Klair,
Cleves G. Kinkead,
A. T. Knox,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Garfield Moore,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
Samuel J. Patrick,
G. L. Perryman,
R. S. Rector,
H. A Schoberth,
W. H. Shanks,
John T. Shanklin,
Robert C. Simmons,
J. A. Sloan,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford,73

Those who voted in the negative were—

W. J. Jackson, John L. Smith, D. P. Taggart,
E. E. Wash,—4

Resolved, that the title thereof be as follows:

An act to provide the Senate and House of Representatives with necessary Messengers and Stenographers and Typewriters during the present session of the General Assembly.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 12. An act to provide a Stenographer for the use of the Governor of the Commonwealth of Kentucky.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor of the Commonwealth of Kentucky is hereby empowered to employ a stenographer for his own use, at a salary of not exceeding twelve hundred dollars ($1,200) per annum, payable monthly in installments of one hundred dollars each out of the Treasury of the State, upon the warrant of the Auditor of Public Accounts. Said Stenographer shall be subject to removal at the pleasure of the Governor.

§ 2. Whereas, An emergency exists for the taking effect of this act, same shall be in force from and after its passage.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	C. W. G. Hannah,	G. W. Parrott,
O. P. Applegate,	Robert L. Harris,	C. C. Patrick,
Louis W. Arnett,	John P. Haswell, Jr.	Samuel J. Patrick,
J. W. Berkshire,	R. Dillard Hunter,	W. V. Perry,
P. W. Berkshire,	W. Harrison Isaacs,	G. L. Perryman,
F. Pierce Blair,	J. H. Jackson,	R. S. Rector,
Frank J. Brown,	W. H. Jones,	H. A. Schoberth,
W. N. Brown, Jr.	W. F. Klair,	W. H. Shanks,

J. T. Buford,
Albert Butler,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
J. A. Duff,
W. F. Edmunds,
Thos. E. Finley,
S. L. Givan,
R. L. Gwathmey,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lilliard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
Emanuel Meyer,
H. L. Myers,
Garfield Moore,
Chris. Mueller,
Jesse F. Nichols,
John T. Shanklin,
Robert C. Simmons,
J. A. Sloan,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
J. W. Stump,
J. A. Sullivan,
C. S. Templeman,
Wm. M. Thompson,
J. P. Wallace,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,—67

Those who voted in the negative were—

Robert Enlow,
W. H. Strange,
J. B. Swann,
John L. Smith,
Eugene W. Tandy,
E. E. Wash,—7

Resolved, that the title therefore be as aforesaid.

The House took up for consideration from the orders of the day, a joint resolution, entitled:

S. Res. 2. Resolution providing for furnishing the Codes of Practice, Kentucky Statutes, Official Manual and copies of the Governor's Message.

Together with an amendment proposed thereto by the Committee on Rules.

Said resolution is as follows, viz.:

Whereas, It is necessary for the members of the General Assembly, in the proper and efficient discharge of their duties, during the session of the Legislature, to have a ready reference to the laws heretofore

enacted, and which are now in force as the laws of the Commonwealth of Kentucky; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Librarian be, and is hereby, directed to purchase and furnish to the chairman of each of the Standing Committees of the Senate and House and to the President of the Senate and the Speaker of the House with a copy of each of the latest editions of the Kentucky Statutes and Codes of Practice, and the acts of the 1904 and and 1906 Legislatures, for their use during this session of said body, same to remain the property of the State of Kentucky and to be returned to the State Librarian at the end of the session.

§ 2. That the State Librarian is hereby further authorized and directed to purchase, at not exceeding one dollar per copy, four hundred copies of the book entitled "Official Manual," for the use of the courts, State and county officials and members of the General Assembly of Kentucky. The Librarian will furnish the members of the General Assembly, and such officials thereof as may be designated by the presiding officers of their respective houses, a copy of the same, and will furnish the State officials with copies thereof, and send a copy thereof to the clerk of the county court of each county of the State, to be kept in his office; the Librarian will furnish to the Librarian of each State and Territory in the Union a copy of said book, in exchange for similar books from the said States and Territories, and a copy to the Librarian of Congress.

§ 3. That the Librarian be, and is hereby, further directed to furnish each member of the House and Senate, and the President of the Senate, one hundred copies of the Governor's Message to the General Assembly of Kentucky, in pamphlet form, each copy wrapped in post-paid wrappers; also, have printed on the wrapper of each copy the name of each member according to his quota of copies.

§ 4. It being necessary that the officials should have the books herein provided for, an emergency is declared to exist, and this resolution shall be in force upon its approval by the Governor.

The amendment as proposed by said committee to said resolution is as follows, viz.:

Amend Section One of Senate Resolution No. 2 by striking out the following words in the second and third lines: "The chairman of each of the Standing Committees of the Senate and House," and insert in lieu thereof the following words: "Each member of the Senate and House," and by striking out the following words in the fourth line: "and the Speaker of the House with" so that said section when so amended will read as follows:

That the State Librarian be and is hereby directed to purchase and furnish to each member of the Senate and House, and to the President of the Senate, a copy of each of the latest editions of the Kentucky Statutes and the Codes of Practice, and the acts of the 1904 and 1906 Legislatures for their use during this session of said body, same to remain the property of the State of Kentucky and to be returned to the State Librarian at the end of the session.

Said amendment was agreed to.

Ordered, that said resolution as amended be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with,

Said resolution as amended was read the third time by its title and concurred in.

The yeas and nays being taken on concurring in said resolution in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin, F. E. Graves, Samuel J. Patrick,

O. P. Applegate,
J. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Dr. C. F. Crecelius,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
W. F. Edmunds,
John Feland,
Thos. E. Finley,
S. L. Givan,
R. L. Gwathmey,
Robert L. Harris,
John P. Haswell, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. H. Jones,
W. F. Klair,
A. T. Knox,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
C. C. Patrick,
W. V. Perry,
G. L. Perryman,
J. F. Porter,
R. S. Rector,
H. A Schoberth,
W. H. Shanks,
J. A. Sloan,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
Eugene W. Tandy,
C. S. Templeman,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
Geo. S. Wilson, —59

Those who voted in the negative were—

J. A. Duff,
Robert Enlow,
C. W. G. Hannah,
R. Dillard Hunter,
W. J. Jackson,
W. L. Kimbrough,
A. T. Lee,
John L. Smith,
J. B. Swann,
W. C. Wynn—10

And then the House adjourned until Monday next.

SATURDAY, FEBRUARY 8, 1908.

At 12 o'clock, meridian, the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky

to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided, members of the Senate of Kentucky appeared and entered upon the floor of the House of Representatives, and in pursuance of a joint rule of the Senate and House of Representatives, Hon. W. J. Gooch, Speaker of the House of Representatives, presided over the joint Assembly.

Members of the two Houses were convened in joint Assembly.

The joint Assembly proceeded, pursuant to law, to take another (the 14th) joint ballot in the selection of a Senator in the Congress of the United States from the State of Kentucky, as aforesaid, which resulted as follows, viz.:

In the Senate—

Those who voted for J. C. W. Beckham were—

O. P. Hogan, P. S. Maxwell,

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

A. A. Allphin,	J. T. Buford,	E. E. Wash,
J. W. Berkshire,	Dr. C. F. Crecelius,	W. R. Whitlow,
P. W. Berkshire,	J. B. Swann,	Geo. S. Wilson,
Frank J. Brown,	Eugene W. Tandy,	Speaker Gooch—12

Those who voted for W. O. Bradley were—

John P. Haswell, Jr.	R. S. Rector,	W. H. Strange,
W. Harrison Isaacs,	J. A. Sloan,	W. C. Wynn—7
Samuel J. Patrick,		

In summing up the vote of the joint Assembly, it was found to stand thus:

For J. C. W. Beckham.....14 votes.
For William O. Bradley..... 7 votes.

Total number of votes cast.....21

It appearing that there is not a quorum of the members elected to both Houses present and voting, the Speaker above named declared that no election was had.

Mr. Wilson moved that the joint assembly do now dissolve.

Said motion was agreed to.

MONDAY, FEBRUARY 10, 1908.

The House was opened with prayer by Rev. Father T. M. Major, of the Catholic Church.

The reading of the journal of Friday's proceedings was dispensed with.

A message was received from the Senate announcing that they had passed bills of the following titles, viz.:

1. S. B. 3. An act to amend and re-enact Section 1208 of Kentucky Statutes.

2. S. B. 25. An act to provide for the infliction of the death penalty by electrocution.

3. S. B. 34. An act to amend the Constitution of the Commonwealth of Kentucky for the purpose of aiding the public roads of the

counties of the State by permitting State aid to counties for public roads and additional taxation by the counties for the public roads.

4. S. B. 37. An act to amend and re-enact Section 3644 of the edition of the Kentucky Statutes compiled and edited by John D. Carroll and issued 1903.

5. S. B. 67. An act fixing the weight of packages and regulating the trade in wheat, flour and corn meal.

6. S. B. 124. An act to amend Section 2323, Article 2, Chapter 75 of the Kentucky Statutes, entitled, Lien for money furnished to raise crops for subsistence—no exemptions—removal.

Said bills were ordered to be printed and severally referred as follows, viz.:

Nos. 1 and 2 to Committee on Criminal Laws.

No. 3 to the Committee on Constitutional Amendments.

No. 4 to the Committee on Revenue and Taxation.

No. 5 to the Committee on Commerce and Manufacturers.

No. 6 to the Committee on Judiciary.

The hour of 12 o'clock, meridian, having arrived, the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided, the members of the Senate of Kentucky appeared and entered upon the floor of the House of Representatives, and in pursuance of a joint rule of the Senate and House of Representatives, Hon. W. J. Gooch, Speaker of the House of Representatives, presided over the joint Assembly. Hon. W. H. Cox, Lieutenant Governor, and President of the Senate, took his seat on the left of the Speaker.

The members of the two Houses were convened in joint Assembly, the same being composed of a majority of all the members elected to both Houses. The roll was called and the following Senators and Representatives answered to their names, viz.:

In the Senate—

Joe F. Bosworth,	Ben F. Landrum,	Hillard H. Smith,
A. R. Burnam,	Conn Linn,	W. W. Tabb,
J. Wheeler Campbell,	P. S. Maxwell,	E. M. Taylor,
Albert H. Charlton,	H. S. McNutt,	G. A. Taylor,
J. P. Chinn,	L. C. Nell,	Ed. E. Walker,
Nat. C. Cureton,	J. W. Newman,	J. J. Watkins,
C. B. Ecton,	R. W. Owen,	J. W. Wright,
B. C. Grigsby,	E. K. Renaker,	G. T. Wyatt—26
O. P. Hogan,	Frank Rives,	

In the House of Representatives—

A. A. Allphin,	W. W. Hopkins,	J. F. Porter,
Robert H. Anderson,	R. Dillard Hunter,	R. S. Rector,
O. P. Applegate,	F. M. Hutcheson, Jr.	G. T. Reynolds,
J. W. Berkshire,	R. F. Hutchinson,	Isaac G. Rice,
P. W. Berkshire,	W. Harrison Isaacs,	H. A Schoberth,
F. Pierce Blair,	J. H. Jackson,	John T. Shanklin,
O. Houston Brooks,	W. J. Jackson,	J. A. Sloan,
Frank J. Brown,	W. H. Jones,	John L. Smith,
W. N. Brown, Jr.	W. F. Klair,	Sawyer A. Smith,
J. T. Buford,	W. L. Kimbrough,	R. E. Stewart,
Albert Butler,	Cleves G. Kinkead,	W. H. Strange,
H. K. Cole,	A. T. Lee,	J. W. Stump,
W. A. Cope,	E. W. Lillard,	J. A. Sullivan,
Dr. C. F. Crecelius,	Jasper D. Lowder,	J. B. Swann,
John T. Davis,	Hugh Mahin,	D. P. Taggart,
W. A. B. Davis,	Wm. S. Markolf,	Eugene W. Tandy,
Henry H. Denham,	J. B. Maynard,	C. S. Templeman,
Thurman B. Dixon,	Virgil McKnight,	Wm. M. Thompson.
Wm. E. Dowling,	H. L. Myers,	Geo. C. Waggoner,

W. F. Edmunds,	Duncan Milliken,	John P. Wallace,
Robert Enlow,	Garfield Moore,	E. E. Wash,
John Feland,	Chris. Mueller,	Harry Weitkamp,
Thos. E. Finley,	Jesse F. Nichols,	W. R. Whitlow,
S. L. Givan,	C. C. Patrick,	W. C. Wynn,
F. E. Graves,	Samuel J. Patrick,	Geo. S. Wilson,
C. W. G. Hannah,	G. L. Perryman,	J. Hal. Woodford
John P. Haswell, Jr.	John C. Pirtle,	Speaker Gooch—81

The reading of the journals of Friday and Saturday last of both Houses, pertaining to the proceeding had in joint Assembly, were read and approved.

The joint Assembly proceeded, pursuant to law, to take another (the 15th) joint ballot in the selection of a Senator in the Congress of the United States from the State of Kentucky, as aforesaid, which resulted as follows, viz.:

In the Senate—

Those who voted for J. C. W. Beckham were—

J. P. Chinn,	J. W. Newman,	W. W. Tabb,
C. B. Ecton,	R. W. Owen,	E. M. Taylor,
O. P. Hogan,	E. K. Renaker,	J. J. Watkins,
Conn Linn,	Frank Rives,	G. T. Wyatt—13
P. S. Maxwell,		

Those who voted for William O. Bradley were—

Joe F. Bosworth,	B. C. Grigsby,	Hillard H. Smith,
A. R. Burnam,	Ben F. Landrum,	Ed. E. Walker,
Nat. C. Cureton,	L. C. Nell,	J. W. Wright—9

Those who voted for Henry Waterson were—

J. Wheeler Campbell,

Those who voted for John R. Allen were—

Albert H. Charlton,

Those who voted for James B. McCreary were—

H. S. McNutt,

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

A. A. Allphin,	R. Dillard Hunter,	J. W. Stump,
Robert H. Anderson,	F. M. Hutcheson, Jr.	J. A. Sullivan,
J. W. Berkshire,	J. H. Jackson,	J. B. Swann,
P. W. Berkshire,	W. J. Jackson,	Eugene W. Tandy,
O. Houston Brooks,	Hugh Mahin,	C. S. Templeman,
Frank J. Brown,	Duncan Milliken,	Wm. M. Thompson,
J. T. Buford,	Jesse F. Nichols,	Geo. C. Waggoner,
Dr. C. F. Crecelius,	John C. Pirtle,	E. E. Wash,
Wm. E. Dowling,	J. F. Porter,	W. R. Whitlow,
W. F. Edmunds,	G. T. Reynolds,	Geo. S. Wilson,
Robert Enlow,	H. A. Schoberth,	J. Hal. Woodford,
F. E. Graves,	John L. Smith,	Speaker Gooch—37
W. W. Hopkins,		

Those who voted for William O. Bradley were—

O. P. Applegate,	John P. Haswell, Jr.	Samuel J. Patrick,
W. N. Brown, Jr.	R. F. Hutchinson,	G. L. Perryman,
Albert Butler,	W. Harrison Isaacs,	R. S. Rector,
H. K. Cole,	W. H. Jones,	Isaac G. Rice,
W. A. Cope,	W. L. Kimbrough,	John T. Shanklin,
John T. Davis,	Cleves G. Kinkead,	J. A. Sloan,
W. A. B. Davis,	A. T. Lee,	Sawyer A. Smith,
Henry H. Denham,	Jasper D. Lowder,	R. E. Stewart,
Thurman B. Dixon,	Wm. S. Markolf,	W. H. Strange,
John Feland,	J. B. Maynard,	D. P. Taggart,
Thos. E. Finley,	H. L. Myers,	John P. Wallace,

S. L. Givan, Garfield Moore, Harry Weitkamp
C. W. G. Hannah, C. C. Patrick, W. C. Wynn,—40

Those who voted for John R. Allen were—

W. F. Klair, Virgil McKnight,

Those who voted for James B. McCreary were—

E. W. Lillard,

Those who voted for Chas. P. Dehler were—

Chris. Mueller,

In summing up the vote of the joint Assembly, it was found to stand thus:

For J. C. W. Beckham.....50 votes.
For William O. Bradley.....49 votes.
For John R. Allen..... 3 votes.
For James B. McCreary..... 2 votes.
For Henry Watterson..... 1 vote.
For Charles P. Dehler..... 1 vote.

Total number of votes cast.....106

No one person having received a majority of all the votes cast, a majority of all the members elected to both Houses being present and voting, the Speaker as above named announced that no election was had.

The following pairs were announced:

Senator Brown with Senator Vice; Mr. Brown, if present, would vote for Mr. Beckham, and Mr. Vice, if present, would vote for Mr, Bradley.

Senator Combs with Senator Wilhelmi; Mr. Combs, if present, would vote for Mr. Beckham, and Mr. Wilhelmi, if present, would vote for Mr. Bradley.

Senator Donaldson with Senator G. A. Taylor; Mr. Donaldson, if present, would vote for Mr. Beckham, and Mr. Taylor, if present, would vote for Mr. Bradley.

Senator Hubbell with Senator Oliver; Mr. Hubbell, if present, would vote for Mr. Beckham, and Mr. Smith, if present, would vote for for Mr. Bradley.

Senator Peters with Senator Jarvis; Mr. Peters, if present would vote for Mr. Beckham, and Mr. Jarvis, if present, would vote for Mr. Bradley.

Senator Watson with Senator J. T. Smith; Mr. Watson, if present, would vote for Mr. Beckham, and Mr. Smith, present, would vote for Mr Bradley.

Senator Sewell with Mr. A. C. Oliver. Mr. Sewell, if present, would vote for Mr. Beckham, and Mr. Smith, if present, would vote for Mr. Bradley.

Mr. Arnett with Mr. Chase. Mr. Arnett, if present, would vote for Mr. Beckham, and Mr. Chase, if present, would vote for Mr. Bradley.

Mr. Clay with Mr. Knox. Mr. Clay, if present, would vote for Mr. Beckham, and Mr. Knox, if present, would vote for Mr. Bradley.

Mr. Beard with Mr. Duff. Mr. Beard, if present, would vote for Mr. Beckham, and Mr. Duff, if present, would vote for Mr. Bradley.

Mr. Perry with Mr. Gwathmey. Mr. Perry, if present, would vote for Mr. Beckham, and Mr. Gwathmey, if present, would vote for Mr. Bradley.

Mr. Shanks with Mr. Harris. Mr. Shanks, if present, would vote for Mr. Beckham, and Mr. Harris, if present would vote for Mr. Bradley.

Mr. Richardson with Mr. T. C. Jackson. Mr. Richardson, if

present, would vote for Mr. Beckham, and Mr. Jackson, if present, would vote for Mr. Bradley.

Mr. McChord with Mr. Parrott. Mr. McChord, if present, would vote for Mr. Beckham, and Mr. Parrott, if present, would vote for Mr. Bradley.

Mr. Steers with Mr. Emanuel Meyer. Mr. Steers, if present, would vote for Mr. Beckham, and Mr. Meyer, if present, would vote for Mr. Bradley.

Mr. Simmons with Mr. Cornett. Mr. Simmons, if present, would vote for Mr. Beckham, and Mr. Cornett, if present, would vote for Mr. Bradley.

Senator Rives moved that the joint assembly do now dissolve.

Said motion was agreed to.

The Senators retired and the Speaker called the House to order.

Upon the call of the counties and Representative Districts, bills and a joint resolution were introduced and referred as follows, viz.:

By Mr. Dowling:

H. B. 318. An act concerning education and to dedicate to this purpose the lot of ground and buildings, known as the State Capitol in Frankfort, Kentucky.

Referred to Committee on Education No. 1.

By Mr. S. J. Patrick:

H. B. 319. An act entitled an act to prevent abuse in the handling of and requiring the proper cleaning of dairymen's shipping cans.

Referred to Committee on Public Health.

By Mr. Haswell:

H. B. 320. An act for the benefit of the office of the Attorney

General, to provide for assistants, defining their duties and fixing their compensation and providing for certain records to be kept in the office.

Referred to Committee on Judiciary.

By Mr. Jones:

H. B. 321. An act to amend an act entitled "An act to provide an efficient system on common schools throughout the State."

Referred to Committee on Education No. 1.

By Mr. Applegate:

H. B. 322. An act to amend sub-division 1, of Article 15, of Chapter 46, of the Kentucky Statutes.

By same:

H. B. 323. An act to amend Section 194, of the Civil Code of Practice of Kentucky, edited by John D. Carroll, edition of 1906.

Referred to Committee on Kentucky Statutes.

By Mr. Cole:

H. B. 324. An act to amend Section 3287 of Kentucky Statutes, being a part of charter of cities of third class.

Referred to Committee on Municipalities.

By Mr. Hannah:

H. B. 325. An act relative to the appointment of Marshals in cities of the sixth class in this Commonwealth.

Referred to Committee on Cities of the Fourth, Fifth and Sixth Class.

By same:

H. B. 326. An act relating to trespassers upon railroad tracks.

Referred to Committee on Railroads.

By same:

H. B. 327. An act to amend Section 582 of the Civil Code of Practice.

Referred to Committee on Codes of Practice.

By Mr. Gwathmey:

H. B. 328. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.

Referred to Committee on County and City Courts.

By Mr. Mueller:

H. B. 329. An act to amend and re-enact Section 3027 Chapter 89, of Kentucky Statutes, edition 1903, edited by Hon. John D. Carroll and relating to the government of cities of the first class.

Referred to Committee on Municipalities.

By same:

H. B. 330. An act relating to trespassers upon railroad tracks.

Referred to Committee on Railroads:

By Mr. Emanuel Meyer:

H. B. 331. An act creating the office of Assistant Prosecuting Attorney of the Police Court in cities of the first class and prescribing the qualifications, powers, duties and compensation thereof.

Referred to Committee on Municipalities.

By same:

H. B. 332. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1903, an amendment thereto approved March 18, 1902, said act and amendment now being Section 2937 of Kentucky Statutes, and fixing salary of the Prosecuting Attorney of the Police Court.

Referred to Committee on Municipalities.

By same:

H. B. 333. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893, said act and amendment now being Section 2923 of the Kentucky Statutes, and fixing the qualifications, oath and salary of the Judge of the Police Court.

Referred to Committee on Municipalities.

By Mr. Wallace:

H. B. 334. An act to provide for teaching in the public schools of this Commonwealth the best method for preventing the spread of tuberculosis and other communicable diseases.

Referred to Committee on Public Health.

By same:

H. B. 335. An act to provide for better school houses in this Commonwealth and to establish a State Board of Construction and Inspection for school buildings.

Referred to Committee on Education No. 1.

By Mr. Arnett:

H. B. 336. An act to amend an act entitled, "An act for the government of cities of the second class."

Referred to Committee on Municipalities.

By same:

H. B. 337. An act to amend Section 2096, of Kentucky Statutes.

Referred to Committee on Judiciary.

By Mr. Lowder:

H. B. 338. An act to amend Sections 2253 and 2260, of Article 3, Chapter 74, of the Kentucky Statutes.

Referred to Committee on Circuit Courts.

By same:

H. B. 339. An act to prevent cities of fifth and sixth classes from levying a license tax on public conveyance.

Referred to Committee on Cities of the Fourth, Fifth and Sixth Class.

By same:

H. B. 340. An act empowering Justices of the Peace as Commissioners of Roads.

Referred to Committee on County and City Courts.

By Mr. John L. Smith:

H. B. 341. An act to create the office of State Highway Commissioner and to extend State and to each county for public purposes.

Referred to Committee on Internal Improvements.

By same:

B. 342. An act requiring trustees of common schools and graded common schools of this State to publish annual financial statements when tax collections therein amount to $150.00 or more for any one year.

Referred to Committee on Education No. 1.

By same:

H. B. 343. An act authorizing Commissioner of Agriculture to furnish poison to the tobacco growers of each county and appropriating money to pay expenses of same and directing and exterminating warfare against the tobacco fly.

Referred to Committee on Agriculture.

By Mr. Graves:

H. B. 344. An act relating to the time, manner and mode of probating wills.

Referred to Committee on County and City Courts.

By Mr. Duff:

H. B. 345. An act to provide for the taking of depositions in shorthand.

Referred to Committee on Kentucky Statutes.

By Mr. J. H. Jackson:

H. B. 346. An act to charter the Horace Mann Literary Society of the A. & M. College, Lexington, Kentucky.

Referred to Committee on State College and State Normal Schools.

By Mr. Wilson:

H. B. 347. An act to amend an act entitled, "An act to require operators of certain ferries across the Ohio and Mississippi to provide waiting rooms for their passengers.

Referred to Committee on Internal Improvements.

By same:

H. B. 348. An act to require all corporations except foreign insurance companies, formerly under laws of this or any other State and doing business in this State, to have recorded in the office of the County Clerk in the county in which its principal office or place of business is located a copy of its articles of incorporation and to file a copy thereof, with Secretary of State and fixing a penalty for violation thereof.

Referred to Committee on Corporate Institutions.

By Mr. Milliken:

H. B. 349. An act to amend Section 4821, of the Kentucky Statutes, edited and compiled by John D. Carroll, issued in 1903.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 350. An act to amend Section 1161 of the Kentucky Statutes, edited and compiled by John D. Carroll, issued in 1903.

Referred to Committee on Kentucky Statutes.

By Mr. Porter:

H. B. 351. An act to amend an act entitled: "An act relating to revenue and taxation," approved March 15, 1906.

Referred to Committee on Revenue and Taxation.

By same:

H. B. 352. An act to amend Section 211, of the Civil Code of Practice.

Referred to Committee on Codes of Practice.

By Mr. Buford:

H. Res. 8. Resolution for the benefit of the ministers of the Gospel of the city of Frankfort.

Mr. Frank J. Brown offered the following resolution, viz.:

Be it resolved by the House of Representatives of the General Assembly of Kentucky in regular session of 1908: That we heartily and enthusiastically indorse the course of the Kentucky members in Congress assembled in regular session for their unceasing and untiring efforts to repeal the tax on manufactured tobacco.

Said resolution was agreed to.

Under and by virtue of a resolution introduced by Mr. Wilson and adopted by the House on a former day of this session.

(For resolution see House Journal January 29th.)

The Speaker announced the appointment of the following as a special committee provided for in said resolution, viz.: Messrs. George S. Wilson, chairman, and W. H. Shanks, John L. Smith, H. K. Cole and O. P. Applegate.

Under and by virtue of a resolution offered by Mr. Gwathmey and adopted by the House on a former day of this session.

(For resolution see House Journal February 7th.)

The Speaker announced the appointment of the following as a special committee as provided for in said resolution, viz.: R. L. Gwathmey, chairman; and Messrs. J. Will Clay, J. F. Nichols, C. F. Crecelius and W. L. Kimbrough.

And then the House adjourned.

TUESDAY, FEBRUARY 11, 1908.

The House was opened with prayer by Rev. W. E. Simms, of the Methodist Episcopal Church, South.

The reading of the journal of yesterday's proceedings was dispensed with.

Petitions of sundry citizens of their respective counties and Representative districts asking for a repeal of the present exemption laws and the re-enactment of a law limiting the amount of the exemptions to five hundred dollars worth of property, were presented by the following members, viz.:

By Mr. S. J. Patrick, of Breathitt, Lee and Magoffin counties.

By Mr. Haswell, of Breckenridge county.

By Mr. Enlow, of Larue county.

By Mr. Jones, of Caldwell county.

By Mr. Givan, of Grayson county.

By Mr. R. F. Hutchinson, of Carter and Elliott counties.

By Mr. Kimbrough, of Todd county.

By Mr. Butler, of Crittenden and Livingston counties.

By Mr. Gooch, of Simpson county.

By Mr. Reynolds, of Bracken county.

By Mr. Wilson, of Union county.

By Mr. Blair, of Bath and Rowan counties.

By Mr. Nichols, of Ballard and Carlisle counties.

Which were received, their reading dispensed with, and referred to the Committee on Kentucky Statutes.

Mr. Lee presented the petition of sundry citizens of McLean county asking the repeal of Chapter 63 of the acts of 1906, entitled, "An act to regulate the carrying, moving, delivering, transferring or distributing of intoxicating liquors in local option districts, because the same is in direct conflict with the interstate commerce laws of the United States."

Which was received, its reading dispensed with, and referred to the Committee on Public Morals.

Mr. Nichols offered the following resolution, viz.:

Whereas, Much confusion is caused in the House daily by the admission and passing to and fro of persons who are not members of the General Assembly, which is not only annoying to the members and officers of the House, but interferes materially with the orderly conduct of business, and believing that it will enable the Speaker of the

House to preserve better order and assist the members to expedite business more readily:

Therefore be it resolved, That Rule 10 of the House be revised so as to read as follows:

No person shall be admitted on the floor of the House while in session except the members, officers and employes of the General Assembly, the Governor and ex-governors of the Commonwealth, Congressmen and United States Senators; Judges of the Court of Appeals; the State Librarian; special messengers from the Governor or from any of the departments of the state government for the purpose of delivering an official document; seven newspaper correspondents to be designated by the Speaker of the House; minister of the Gospel who opens the House with prayer, and telegraph messengers.

The Doorkeeper and Sergeant-at-Arms are required to strictly enforce this rule, and for every failure on their part to do so, the Speaker of the House shall impose a fine on the officer so failing not to exceed the per diem of said officer.

Mr. Klair moved that said resolution be referred to the Committee on Rules.

Said motion was agreed to.

Mr. Sloan offered the following resolution, viz.:

Whereas, The State of Kentucky bears the distinction of being the birthplace of Abraham Lincoln, whose character and achievements have placed his name high in the honor roll of our nation, and,

Whereas, The true dignity and high minded patriotism of the State of Kentucky demand recognition of her distinguished and patriotic dead.

Therefore be it resolved by the House of Representatives that when this House adjourns to-day it adjourn until Thursday, February 13th,

in respect to the memory of this time-honored statesman, tomorrow, February 12th, being his birthday.

Mr. McKnight moved that said resolution be referred to the Committee on Rules.

Said motion was agreed to.

A message was received from the Senate announcing that they had refused to concur in an amendment proposed by the House to a bill which originated in the Senate, entitled:

S. B. 11. An act to provide the Senate and House of Representatives of the State of Kentucky with messengers and stenographers or copyists during the present session of the General Assembly.

Mr Arnett moved that the House do now refuse to recede from its amendments to said bill.

Said motion was agreed to.

Mr. Arnett moved that a committee of three be appointed to notify the Senate of the action of the House thereon, and to ask the appointment of a like committee on the part of the Senate to confer with the committee on the part of the House to take into consideration and adjust the matters of disagreement between the two Houses relative to said bill.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Arnett, Wilson and Haswell as conferrees on the part of the House.

The committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Schoberth, of the Committee on Criminal Law:

H. B. 32. An act defining the crime of abortion and prescribing a penalty therefor.

By same:

H. B. 120. An act to amend Section 1308, of the Kentucky Statutes.

By same:

H. B. 84. An act to amend Section 1309, Kentucky Statutes and thereby increase the penalty for carrying concealed deadly weapons.

By Mr. Pirtle, of the Committee on Education No. 1:

H. B. 205. An act to create an educational commission, to define its powers and duties and to provide for the expense therefor.

With an amendment thereto by way of substitute therefor.

By same:

H. B. 66. An act to repeal an act entitled, "An act to authorize the organization and maintenance of a graded free school in common school district No. 3 in Johnson county," and approved by the Governor on March 29, 1888.

By same:

H. B. 146. An act providing for teaching the effects of alcohol and narcotics in the public schools.

By same:

H. B. 237. An act to amend and re-enact sub-section 6 of section 4370 chapter 113 article 2 of the Kentucky Statutes.

By same:

H. B. 238. An act to amend an act entitled, "An act concerning the education of children," which became a law March 28, 1896, being known as Section 4521-a of the Kentucky Statutes.

Said bills were severally read the first time at length and ordered to be placed upon the calendar.

By Mr. Pirtle, of the Committee on Education No. 1:

H. B. 141. An act for the government and regulation of the common schools in this Commonwealth.

With an amendment thereto by way of substitute therefor.

Said bill was read the first time at length.

Mr. W. J. Jackson moved that said bill be recommitted to the Committee on Education No. 1.

Said motion was disagreed to.

Ordered that said bill be placed on the calendar.

By Mr. Pirtle, of the Committee on Education No. 1:

H. B. 142. An act qualifying women to vote in any common school election and to hold any common school office.

Said bill was read the first time at length.

Mr. Markolf moved that said bill be recommitted to the committee on Suffrage and Elections.

Said motion was agreed to.

The hour of 11 o'clock having arrived, the House took up for consideration the special order of the day for that hour, to-wit:

H. B. 157. An act for preventing the manufacture and sale of aduterated or misbranded foods, drugs, medicines and liquors.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person, persons, firm or corporation within this State to manufacture for sale, produce for sale, expose for sale, have in his or their possession for sale or to

sell any article of food or drug which is adulterated or misbranded within the meaning of this Act; and any person or persons, firm or corporation who shall manufacture for sale, expose for sale, have in his or their possession for sale or sell any article of food or drug which is adulterated or misbranded within the meaning of this Act shall be fined not less than ten dollars, nor more than one hundred dollars, or be imprisoned not to exceed fifty days or both such fine and imprisonment. *Provided,* That no article of food or drug shall be deemed misbranded or adulterated within the provisions of this Act when intended for shipment to any other State or country, when such article is not adulterated or misbranded in conflict with the laws of such other State or country; but if said article shall be in fact sold or offered for sale for domestic use or consumption within this State, then this proviso shall not exempt said article from the operations of any of the other provisions of this Act.

§ 2. That the term food, as used in this Act, shall include every article used for or entering into the composition of food or drink for man or domestic animals, including spirituous, vinous and malt liquors.

§ 3. For the purpose of this Act, an article of food shall be deemed misbranded:

First. If the package or label shall bear any statement purporting to name any ingredient or substance as not being contained in such article, which statement shall not be true in any part; or any statement purporting to name the substances of which such article is made, which statement shall not give fully the name or names of all substances contained in any measurable quantity.

Second. If it is labeled or branded in imitation of or sold under the name of another article, or is an imitation either in package or label of another substance of a previously established name; or if it be labeled or branded so as to deceive or mislead the purchaser or consumer with respect to where the article was made or as to its true nature and substance, or as to any identifying term whatsoever

whereby the purchaser or consumer might suppose the article to possess any property or degree of purity or quality which the article does not possess. And this provision shall be construed to apply to all statements made in the label of a product or in the advertisements used therewith, menu cards or other means by which representations regarding the product are made to the purchaser or consumer.

Third. If in the case of certified milk, it be sold as or labeled "certified milk," and it has not been so certified under rules and regulations by any county medical society, or if when so certified it is not up to that degree of purity and quality necessary for infant feeding.

Fourth. If it be misrepresented as to weight or measure, or, if where the length of time the product has been ripened, stored or aged, or, if where the date when it was packed or produced, or, if where the length of time it has been kept in tin or other receptacle takes from the purity or quality of the article, the date of packing, preparation or manufacture is not plainly stated on the label or brand.

§ 4. For the purpose of this Act, an article of food shall be deemed to be adulterated:

First. If any substance or substances be mixed or packed with it so as to reduce, lower or injuriously affect its quality or strength.

Second. If any substance be substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted; or if the product is below that standard of purity or quality represented to the purchaser or consumer.

Fourth. If it is mixed, colored, coated, polished, powdered or stained whereby damage is concealed, or if made to appear better

or of greater value than it is, or if it is colored or flavored in imitation of the genuine color or flavor of another substance of a previously established name.

Fifth. If it contains added poisonous ingredient which may render such article injurious to health, or if it contains any antiseptic or preservative which may render such article injurious to health, or any other antiseptic or preservative not plainly stated on the main label of the package.

Sixth. If it contains or is manufactured from in whole or in part of a diseased, contaminated, filthy or decomposed substance, either animal or vegetable, unfit for food, or an animal or vegetable substance produced, stored, transported or kept in a condition that would render the article diseased, contaminated or unwholesome, or if it is in any part the product of a diseased animal, or the product of an animal that has died otherwise than by slaughter, or that has been fed upon the offal from a slaughter-house, or if it is the milk from an animal fed upon a substance unfit for food for dairy animals or from any animal kept and milked in a filthy or a contaminated stable or in surroundings that would render the milk contaminated. *Provided,* That any article of food which may be adulterated and not misbranded within the meaning of this Act, and which does not contain any added poisonous or deleterious ingredient and which is not otherwise adulterated within the meaning of paragraphs five and six of Section 4 of this Act, or which does not contain any filler or ingredient which debases without adding food value, can be manufactured or sold, if the same be labeled, branded or tagged so as to show the exact character thereof. And all such labels and all labeling of packages provided for in any provisions of this Act shall be on the main label of each package and in such position and character of type and terms as will be plainly seen, read and understood by the purchaser or consumer. *Provided further,* That nothing in this Act shall be construed as requiring or compelling the proprie-

tors, manufacturers or sellers of proprietary foods which contain no unwholesome substances or ingredients to disclose their trade formulas except in so far as the provisions of this Act require to secure freedom from adulteration, imitation or misbranding. But in the case of baking powders, every can or other package shall be labeled so as to show clearly the name of the acid salt which shall be plainly stated in the face of the label to show whether such salt is cream of tartar, phosphate or alum. *Provided further,* That nothing in this Act shall be construed to prohibit the manufacture or sale of oleomargarine, butterine, or kindred compounds in a separate and distinct form, and in such manner as will advise the consumer of the real character, free from coloration or ingredient that causes it to look like butter.

§ 5. That the term drug, as used in this Act, shall include all medicines and preparations recognized in the latest revisions of the United States Pharmacopoeia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of diseases either of man or other animal.

§ 6. That for the purpose of this Act, an article of drug shall be deemed to be adulterated:

First. If, when a drug is sold under or by the name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality or purity, as determined by the tests laid down in the United States Pharmacopoeia or National Formulary official at the time of investigation: *Provided,* That no drug defined in the United States Pharmacopoeia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopoeia or National Formulary.

Second. If the strength or purity fall below the professed standard or quality under which it is sold.

Third. If in putting up any drug, medicine or preparation, proprietary or otherwise, used in medical practice, or if in making up a prescription or filling an order for drugs, medicines or preparations, proprietary or otherwise, one article is substituted or dispensed for a different article for or in lieu of the article prescribed, ordered and demanded, or if a greater or less quantity of any ingredient specified in such prescription, order or demand, is used than that prescribed, ordered or demanded, or if it deviates from the terms of the prescription, order or demand by substituting one drug for another. *Provided,* That except in the case of physicians' prescriptions nothing herein contained shall be deemed or construed to prevent or impair or in any manner affect the right of the druggist or pharmacist or other person to recommend the purchase of an article other than that ordered, required or demanded but of a similar nature, or to sell such article in place or in lieu of an article ordered, required or demanded, with the knowledge and consent of the purchaser.

§ 7. For the purpose of this Act, an article of drug shall be deemed to be misbranded:

First. If the package or label bears any statement, design or device regarding such article of drug or regarding any ingredient or substance contained therein which shall be false or misleading in any particular, or if it is falsely branded as to State, Territory or Country in which it is manufactured or produced.

Second. If it be an imitation of or offered for sale under the name of another article, or if it be labeled, branded, or in any way represented or sold so as to deceived or mislead the purchaser or consumer as to the quality, purity or medicinal value.

Third. If the contents of the package as originally put up, or the contents of the package, box, bottle, phial, can or other container,

sold or exposed for sale, delivered, given away, shipped or offered for shipment, shall have been removed in whole or in part, and other contents shall have been placed in such package or box, bottle, phial can or other container, or if when a package or container has been once emptied and new contents placed therein all original labels, marks, brands and identifying marks are not entirely removed or effaced and new labels, marks and brands truthfully describing the new product or products affixed, *Provided,* that such new contents shall not be like or similar to said original contents.

Fourth. If the package, box, bottle phial, can or other container shall fail to bear a statement on the label of the quantity or proportion of any acohol, morphine, opium, cocaine, heroin, alpha or beta eucaine chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative, or any preparation of any substances contained therein, or any drug of a similar character and effect, *Provided,* That nothing in this paragraph shall be construed to apply to the dispensing of prescriptions written by a regular licensed practicing physician, veterinary surgeon or dentist and kept on file by the dispensing pharmacist or to such drugs as are recognized in the United States Pharmacopoeia and the National Formulary, and which are sold under the name by which they are recognized; and *Provided further,* That this provision shall not be construed as repealing or in conflict with any statute which prohibits the sale of certain drugs except upon a prescription of a physician; and *Provided further,* That nothing in this Act shall be construed as repealing any Acts regulating the practices of medicine or pharmacy not in conflict herewith: *Provided further,* that no prescription shall be knowingly refilled except for the person for whom it was written.

§ 8. It shall be the duty of the Director of the Kentucky Agricultural Experiment Station, or under his direction, the Head of the Division of Food Inspection of the said Station, to make or cause to be made examinations of samples of food and drugs manufactured or on

sale in Kentucky at such time and place and to such extent as he may determine. He shall also make, or cause to be made, analysis of any sample of food or drug which the State Board of Health or the State Board of Pharmacy may suspect of being adulterated or misbranded, and of any sample of food or drug furnished the Commonwealth's, county or city attorney of this State. And the said Director may appoint such agent or agents as he may deem necessary, who shall have free access at all reasonable hours for the purpose of examining into places wherein any food or drug product is being produced, manufactured, prepared, kept or offered for sale, for the purpose of determining as to whether or not any of the provisions of this Act are being violated, and such agent or agents upon tendering the market price of any article may take from any person, firm or corporation, a sample of any article suspected of being adulterated or misbranded.

The Director of said Experiment Station is hereby empowered to adopt and fix the methods by which the samples taken under the provisions of this Act shall be analyzed or examined, and to adopt and fix standards of purity, quality or strength when such standards are necessary or are not specified or fixed herein or by statute. *Provided,* That such standards shall be published for the information and guidance of the trade. Provided further, That for the purpose of uniformity, when such standards are so fixed differ from the legal standards adopted by the United States Department of Agriculture, the Director of said Station shall arrange for a conference between the proper food control representatives of the United States Department of Agriculture and the Director of said Station and the representatives of the trade to be affected, for the purpose of arriving, if possible, at a uniform State and National standard. *Provided further,* That in the case of final dispute the validity of such standards adopted by the Director of said Station shall be determined by the courts under the rules of evidence. And *Provided further,* That when the standard or nomenclature for any food product has been determined by the United States Supreme Court such standard or nomenclature shall

govern in the enforcement of the provisions of this Act. *Provided further,* That all rulings pertaining to sanitation under this Act shall be collaborated in connection with the State Board of Health. And *Provided further,* That at the regular annual meetings of the Kentucky Pharmaceutical Association and the Kentucky State Medical Association and each of said associations shall select one representative, which representatives together with the Director of said Station shall make and establish all rules and regulations for the governing and carrying out of the provisions of this Act relating to drugs.

§ 9. Whenever any article shall have been examined and found to be adulterated or misbranded in violation of this Act, the Director shall certify the facts to the Commonwealth's attorney of the district, or to the county attorney of the county, or the city attorney of any city or town, in which the said adulterated or misbranded food or drug product was found, together with a statement of the results of the examination of the said article of food or drug duly authenticated by the analyst under oath and taken before some officer of this Commonwealth authorized to administer an oath having a seal. And it shall be the duty of every Commonwealth's attorney, county attorney and city attorney to whom the Director of said Station shall report any violation of this Act or to whom the State Board of Health, or the State Board of Pharmacy, or to whom the chief health officer of any county, city or town shall report any such violations, to cause proceedings to be commenced against the party so violating the Act, and the same prosecuted in manner as required by law. *Provided,* however, That in case of the first charge of finding the manufacturer or dealer shall be notified of the findings and be given a hearing within fifteen days before a report is made to the Commonwealth's, county or city attorneys as herein provided.

§ 10. Said Station shall make an annual report to the Governor upon adulterated food and drug products in addition to the reports required by law which shall not exceed one hundred and fifty

pages, and such annual reports shall be submitted to the General Assembly at its regular session, and said Station may issue from time to time a bulletin giving the results of the inspections and of all analyses of samples taken or submitted for examination under this Act together with the names of the parties from whom the samples were taken or where the inspections were made, and as far as possible the name of the manufacturers, the number of samples found to be adulterated, the number not found adulterated, and other information which may be of interest to the manufacturers or dealers in food and drug products or to the consumers. *Provided,* however, That before such publication is made the manufacturer of the article, wherever it is possible, and the dealer shall be furnished a true copy of the facts to be published regarding the article and any statements or explanations made by such manufacturer shall be included in the same place and along with the publication made regarding the article.; and *provided further,* that where prosecution is made for violation of any of the provisions of this Act, no official publication shall be made of the results of the inspection and analysis until the matter has been finally adjudicated, and in the case of appeal, by the court of last resort.

§ 11. Said Experiment Station shall receive seven dollars and fifty cents ($7.50) for the analysis or examination of any sample of food or drug taken or submitted in accordance with this Act, and expenses for procuring samples of foods and drugs and in making inspections into the condition of and wholesomeness and purity of the food produced, manufactured or sold in food factories, grocery stores, bakeries, slaughtering houses, dairies, milk depots or creameries and all other places where foods are produced, prepared, stored, kept or offered for sale; for studying the problems connected with the prodution, preparation and sale of foods; for expert witnesses attending grand juries and courts; clerk hire and all other expenses necessary for carrying out the provisions of this Act, *Provided,* The total expense from all sources shall not exceed in any one year forty thousand dollars ($40,000.00).

The Board of Control of said Experiment Station shall furnish to the Auditor of Public Accounts an itemized statement of the expenditures of money expended under this Act. The expenditures reported to the Auditor shall be paid by the Commonwealth to the Treasurer of the Experiment Station upon the written request of the Board of Control of the said Experiment Station, and the Auditor for the payment of same is directed to draw his warrant upon the Treasurer as in all other claims against the Commonwealth.

§ 12. When any manufacturer shall offer any article of food or drug for sale in the State he shall file with the Director of the said Station the name of the brand, the name of the product, the place of its manufacture or preparation, and a true copy of all labeling used thereupon, and so often as any change or amendment shall be made in such original label as filed, the manufacturer shall immediately refile with said Station the label as amended, changed or altered. Failure to so file shall be punished as provided in section 1 of the act.

§ 13. In all prosecutions under this act, the courts shall admit as evidence a guaranty which has been made to the holder of the guaranty by any manufacturer or wholesaler residing in this State, to the effect that the product complained of is not adulterated or misbranded within the provisions of this Act. And said guaranty, properly signed by the wholesaler, jobber or manufacturer or other party residing within this State from whom the holder of the guaranty may have purchased the article or articles complained of, and containing the full name and address of the party or parties making the sale of such article to the holder of the guaranty, and in the absence of any proof that the article or articles complained of were adulterated or misbranded after they had been received by the holder of the guaranty, shall be a bar to prosecution of the holder of such guaranty under the provisions of this Act.

§ 14. All acts or parts of acts inconsistent herewith are hereby repealed, but this said Act shall not be construed to repeal Chapter

48 of the Acts of the General Assembly of 1906 entitled, "An Act to Regulate the Sale of Concentrated Commercial Feeding Stuffs, Defining Same and Fixing Penalties for Violations thereof."

§ 15. So much of this act as relates to drugs and liquors shall not take effect until on and after January 1, 1909.

The substitutes as heretofore offered for said bill by the Committee on Public Health is as follows, viz.:

An act for preventing the manufacture and sale of adulterated or misbranded foods, drugs, medicines and liquors, and providing penalties for violation thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person, persons, firm or corporation within this State to manufacture for sale, produce for sale, expose for sale, have in or their possession for sale or to sell any article used for or entering into the composition of food or drink for meaning of this act; and any person or persons, firm or corporation who shall manufacture for sale, expose for sale, have in his or their possession for sale or sell any article of food or drug which is adulterated or misbranded within the meaning of this act shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned not to exceed fifty days or both such fine and imprisonment. Provided, that no article of food or drug shall be deemed misbranded or adulterated within the provisions of this act when intended for shipment to any other state or country, when such article is not adulterated or misbranded in conflict with the laws of the United States; but if said article shall be in fact sold or offered for sale for domestic use or consumption within this State, then this proviso shall not exempt said article from the operations of any of the other provisions of this act.

§ 2. That the term food, as used in this act, shall include every article used for or entering into the composition of food or drink for man or domestic animals, including all liquors.

§ 3. For the purpose of this act, an article of food shall be deemed misbranded.

First. If the package or label shall bear any statement purporting to name any ingredients or substance as not being contained in such article, which statement shall not be true in any part; or any statement purporting to name the substances of which such article is made, which statement shall not give fully the name or names of all substances contained in any measurable quantity.

Second. If it is labeled or branded in imitation of or sold under the name of another article, or is an imitation either in package or label of another substance of a previously established name; or if it be labeled or branded so as to deceive or mislead the purchaser or consumer with respect to where the article was made or as to its true nature and substance, or as to any identifying term whatsoever whereby the purchaser or consumer might suppose the article to possess any property or degree of purity or quality which the article does not possess.

Third. If in the case of certified milk, it be sold as or labeled "certified milk," and it has not been so certified under rules and regulations by any county medical society, or if when so certified it is not up to that degree of purity and quality necessary for infant feeding.

Fourth. If it be misrepresented as to weight or measure or, if where the length of time of the product has been ripened, aged or stored, or if where the length of time it has been kept in tin or other receptacle tends to render the article unwholesome, the facts of such excessive storage, ripening, ageing or packing are not plainly made known to the purchaser and to the consumer.

Fifth. If the pacage containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular. Provided, That articles of liquor that do not contain any added posionous or deleterious ingredients shall not be deemed to be adulterated or misbranded within the provisions of this act, in the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale. Provided, That the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring and flavoring ingredients used for the purpose of coloring and flavoring only.

§ 4. For the purpose of this act, an article of food shall be deemed to be adulterated.

First. If any substance or substances be mixed or packed with it so as to reduce, lower or injuriously affect its quality or strength.

Second. If any substance be substituted wholly or in part for the article.

Third. If any valuable constitutent of the article has been wholly or in part abstracted; or if the product is below that standard of quality represented to the purchaser or consumer.

Fourth. If it is mixed, colored, coated, polished, powered, or stained whereby damage is concealed, or if it is made to appear better or of greater value than it is, or if it is colored or flavored in imitation of the genuine color or flavor of another substance of a previously established name.

Fifth. If it contains added poisonous ingredient which may render such article injurious to health, or if it contains any antiseptic or preservative which may render such article injurious to health, or any

other antiseptic or preservative or not plainly stated on the main label of the package.

Sixth. If it contains or is manufactured from in whole or in part of diseased, contaminated filthy or decomposed substance, either animal or vegetable, unfit for food, or an animal or vegetable substance produced, stored, transported or kept in a condition that would render the article diseased, contaminated or unwholesome, or if it is any part the product of a diseased animal, or the product of an animal that has died otherwise than by slaughter, or that has been fed upon the offal from a slaughterhouse, or if it is the milk from an animal fed upon a substance unfit for food for dairy animals or from an animal kept and milked in a filthy or a contaminated stable or in surroundings that would render the milk contaminated. Provided, That any article of food which may be adulterated and not misbranded within the meaning of this act, and which does not contain any added posionous or deleterious ingredient and which is not otherwise adulerated within the meaning of paragraphs five and six of section 4 of this act or which does not contain any filler or ingredient which debases without adding food value, can be manufactured or sold, if the same be labeled, branded or tagged so as to show the exact character thereof. And all such labels and all labeling of packages provided for in any provisions of this act shall be on the main label of each package and in such position and character of type and terms as will be plainly seen, read and understood by the purchaser or consumer. Provided further, That nothing in this act shall be construed as requiring or compelling the proprietors, manufacturers or sellers of proprietary foods which contain no unwholesome substances or ingredients to disclose their trade formulas except in so far as the provisions of this require to secure freedom from adulteration, imitation, or misbranding. But in the case of baking powders, every can or other package shall be labeled so as to show clearly the name of the acid salt which shall be plainly stated in the face of the label to show whether such salt is cream of

tartar, phosphate or alum. Provided further, That nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine, butterine, or kindred compounds in a separate and distinct form, and in such manner as will advise the consumer of the real character, free from coloration or ingredient that causes it to look like butter.

Section 5. That the term drug, as used in this act, shall include all medicines and preparations recognized in the latest revisions of the United States Pharmacopoeia or National Formulary for internal or external use, and any substance intended to be used for the cure, mitigation or prevetion of disease either of man or other animal.

Section 6. That for the purpose of this act, an article of drug shall be deemed to be adulterated:

First. If, when a drug is sold under or by the name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard or strength, quality or purity, as determined by the tests laid down by the United States Pharmacopoeia or National Formulary official at the time of investigation. Provided, That no drug defined in the United States Pharmacopoeia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, bor, or other container thereof, although the standard may differ from that made by the test laid down in the United States Pharmacopoeia or National Formulary.

Second. If the strength or purity fall below the professed standard or quality under which it is sold.

Third. If in putting up any drug, medicine or preparation proprietary or otherwise, used in medical practice, or if in making up a prescription or filling an order for drugs, medicines or preparations, proprietary or otherwise, one article is substituted or dispensed for a different article for or in lieu of the article prescribed, ordered and demanded, or if a greater or less quantity of any ingredient specified in such prescription, order or demand, is used than that prescribed,

ordered or demanded, or if it deviates from the terms of the prescription, order or demand by substituting one drug for another. Provided, That except in the case of physician's prescriptions nothing herein shall be deemed or construed to prevent or impair or in any manner affect the right of the druggist or pharmacist, or other person to recommend the purchase of an article other than that ordered, required or demanded, but of a similar nature, or to sell such article in lieu of an article ordered, required or demanded, with the knowledge and consent of the customer.

Section 7. For the purpose of this act, an article of drug shall be deemed to be misbranded:

First. If the package or label bears any statement, design or devise regarding such article of drug or regarding any ingredient or substance contained therein which shall be false or misleading in any particular, or if it is falsely branded as to state, territory or country in which it is manufactured or produced.

Second. If it be an imitation of or offered for sale under the name of another article, or if it be labeled, branded, or in any way represented or sold so as to deceive or mislead the purchaser or consumer as to the quality, purity or medicinal value.

Third. If the contents of the package as originally put up, or the contents of the package, box, bottle, phial, can or other container, sold or exposed for sale, delivered, given away, shipped or offered for shipment, shall have been removed in whole or in part, and other contents shall have been placed in such package or box, phial, can or other container, or if when a package or container has been once emptied and new contents placed therein all original labels, marks, brands and identifying marks are not entirely removed or effaced and new labels, marks and brands truthfully describing the new product or products affixed. Provided, That such new contents shall not be like or similar to said original contents.

Fourth. If the package, box, bottle, phial, can or other container shall fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica chloral hydrate, or acetanilide, or any derivative, or any preparation of any substances contained therein, or any drug of a similar character and effect. Provided, That nothing in this paragraph shall be construed to apply to the dispensing of prescriptions written by a regularly licensed practicing physician, veterinary surgeon or dentist and kept on file by the dispensing pharmacist or to such drugs as are recognized in the United States Pharmacopoeia and the National Formulary, and which are sold under the name by which they are recognized; and Provided further, That this provision shall not be construed as repealing or in conflict with any statute which prohibits the sale of certain drugs except upon a prescription of a physician; and Provided further, That nothing in this act shall be construed as repealing any acts regulating the practices of medicine or pharmacy not in conflict herewith. Provided further, That no prescription shall be knowingly refilled except for the person for whom it was written.

§ 8. It shall be the duty of the Director of the Kentucky Agricultural Experiment Station, or under his direction, the head of the division of food inspection of the said station, to make or cause to be made examinations of samples of food and drugs manufactured or on sale in Kentucky at such time and place and to such extent as he may determine. He shall also make, or cause to be made, analysis of any sample of food or drug which the State Board of Health or the State Board of Pharmacy may suspect of being adulterated or misbranded, and of any sample food or drug furnished by any Commonwealth's, county or city attorney of this State. And the said director may appoint such agent or agents as he may deem necessary, who shall have free accessat all reasonable hours for the purpose of examining into places wherein any food or drug product is being produced, manufactured, prepared, kept or offered for sale, for the purpose of de-

termining as to whether or not any of the provisions of this act are being violated, and such agent or agents upon tendering the market price of any article may take from any person, firm or other corporation, a sample of any article desired for examination.

The Director of said Experiment Station is hereby empowered to adopt and fix the methods by which the samples taken under the provisions of this act shall be analysed or examined, and to adopt and fix standards of purity, quality or strength, when such standards are necessary or are not specified or fixed herein or by statute. Provided, That such standards shall be published for the information and guidance of the trade. Provided further, That for the purpose of uniformity, when such standards so fixed differ from the legally adopted standards of the United States Department of Agriculture, the director of said station shall arrange for a conference between the proper food control representatives of the United States Department of Agriculture and the director of said station and the representatives of the trade to be affected, for the purpose of arriving, if possible, at a uniform state and national standard. Provided further, That in the case of final dispute the validity of such standards adopted by the director of said station shall be determined by the courts under the rules of evidence. And Provided further, That when the standard or nomenclature for any food or food product has been determined by the Supreme Court of the United States such standard or nomenclature shall govern in the enforcement of the provisions of this act. Provided further, That all rulings pertaining to sanitation under this act shall be collaborated in connection with the State Board of Health. And provided further, That at the regular annual meetings of the Kentucky Pharmaceutical association and the Kentucky State Medical Association each of said associations shall elect one representative, which representatives, together with the director of said station shall make and establish all rules and regulations for the governing and carrying out of the provisions of this act relating to drugs.

§ 9. Whenever any article shall have been examined and found to be adulterated or misbranded in violation of this act, the Director shall certify the facts to the Commonwealth's attorney of the district, or to the county attorney of the county, or the city attorney of any city or town, in which the said adulterated or misbranded food or drug product was found, together with a statement of the results of the examination of said article or food or drug duly authenticated by the analyst under oath and taken before some officer of this Commonwealth authorized to administer an oath having a seal. And it shall be the duty of every Commonwealth's attorney, county attorney and city attorney to whom the director of said station shall report any violation of this act or to whom the State Board of Health, or the State Board of Pharmacy, or to whom the chief health officer of any county, city or town shall report any such violations, to cause proceedings to be commenced against the party so violating the act, and the same prosecuted in manner as required by law. Provided, however, That in case of the first charge or finding the manufacturer or dealer shall be notified of the findings and be given a hearing within fifteen days before a report is made to the Commonwealth's, county or city attorney as herein provided. Provided further, That where more than one sample of the same brand of product has been taken and examined, the first finding or charge shall be construed to apply to all samples so taken, and notice and hearing shall apply to all such samples.

§ 10. Said station shall make an annual report to the Governor upon adulterated food or drug products in addition to the reports required by law which shall not exceed one hundred and fifty pages, and such annual reports shall be submitted to the General Assembly at its regular session, and said station may issue from time to time a bulletin giving the results of the inspections and of all analyses of samples taken or submitted for examination under this act together with the names of the parties from whom the samples were taken, or where the inspections were made, and as far as possible the name of

the manufacturers, the number of samples found to be adulterated, the number found not adulterated, and other information which may be of interest to the manufacturers or dealers in food or drug products or to the consumers. Provided, however, that before such publication is made the manufacturer of the article and the dealer shall be furnished a true copy of the facts to be published regarding the article at least thirty days before the publication and hearing given the dealer and manufacturer, and any statements or explanations made by such manufacturer shall be included in the same place and along with the publication made regarding the article. And Provided further, That if at the hearing of the manufacturer or dealer, as provided by section 9 hereof, said manufacturer shall produce the affidavit of a competent analytical chemist controverting the finding of said station or its director or chemist, as the case may be, and affirmatively showing that there is neither adulteration or misbranding of such article under the provisions of this act, then there shall be no publication of either the name of the manufacturer or dealer or of the name of the brand of the article until after a trial and a verdict of guilty as herein provided. And Provided further, that where prosecution is made for violation of any of the provisions of this act, no official publication shall be made of the result of the inspection and analysis until the matter has been finally adjucated, and in case of appeal by the court of last resort.

§ 11. Said experiment station shall receive seven dollars and fifty cents, ($7.50) for the analysis or examination of any sample of food or drug taken or submitted in accordance with this act, and expenses for procuring samples of food and drugs and in making inspections into the the condition of and wholesomeness and purity of the food produced, manufactured or sold in food factories, grocery stores, bakeries, slaughtering houses, daries, milk depots or creameries, and all other places where foods are produced, prepared, stored, kept or offered for sale; for studying the problems connected with the production, preparation and sale of foods; for expert witnesses attending grand juries and

courts; clerk hire and all other expenses necessary for carrying out the provisions of this act. Provided, The total expense from all sources shall not exceed in any one year thirty thousand dollars ($30,000.00).

The Board of Control of said Experiment Station shall furnish to the Auditor of Public Accounts an itemized statement of the expenditures of money under this act. The expenditures reported to the Auditor shall be paid by the Commonwealth to the treasurer of the Experiment Station upon the written request of the board of control of the said experiment station, and the Auditor for the payment of the same is directed to draw his warrant upon the Treasurer as in all other claims against the Commonwealth.

§ 12. When any manufacturer shall offer any article of food or drug for sale in the State he shall file with the director of the said station, when requested by him, the name of the brand, the name of the product, the place of its manufacture or preparation, and a true copy of all labeling used thereupon. Failure to so file within thirty days shall be punished as provided in section 1 of this act.

§ 13. In all prosecutions under this act, the courts shall admit as evidence a guaranty which has been made to the holder of the guaranty by any manufacturer or wholesaler residing in this State, to the effect that the product complained of is not adulterated or misbranded within the provisions of this act. And said guaranty, properly signed by the wholesaler, jobber or manufacturer or other party residing within this State from whom the holder of the guaranty may have purchased the article or articles complained of, and containing the full name and address of the party or parties making the sale of such article to the holder of the guaranty, and in the absence of any proof that the article or articles complained of were adulterated or misbranded after they had been received by the holder of the guaranty, shall be a bar to prosecution of the holder of such guaranty under the provisions of this act.

§ 14. All acts or parts of acts inconsistent herewith are hereby repealed, but this said act shall not be construed to repeal Chapter 48 of the acts of the General Assembly of 1906, entitled, "An Act to regulate the sale of concentrated commercial feeding stuffs, defining same and fixing penalties for violations thereof."

So much of this act as relates to drugs and liquors shall not take effect until on and after January 1, 1909.

Mr. Lillard offered the following amendments to said substitute:

1. Amend Section 7, line 27 on page 8 by inserting the words "such" between the word "any" and the word "substances."

2. Amend Section 7, line 28 on page 8 by striking out the following words: "or any drug of a similar character and effect."

3. Amend Section 4, line 18, by inserting after the word "preservative" the words "Not evident or."

4. Amend Section 4, line 34, by inerting after the word "paragraphs," the word "four."

5. Amend page 6, line 6, by inserting after the word "animal" "and shall include Paris green and other insecticides and fungicides."

6. Amend page 4, line 20 by changing the word "contain" to "consists of."

Said amendments were severally agreed to.

Said substitute, as amended, was then agreed to.

Ordered, that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill as amended was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Robt. H. Anderson,
O. P. Applegate,
Louis W. Arnett,
J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
John Feland,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
R. L. Gwathmey,
C. W. G. Hannah,
John P. Haswell, Jr.
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
Cleves G. Kinkead,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Virgil McKnight,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Garfield Moore,
Jesse F. Nichols,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
H. A Schoberth,
W. H. Shanks,
John T. Shanklin,
Robert C. Simmons
J. A. Sloan,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford 83

Those who voted in the negative were—

F. Pierce Blair, John C. Pirtle, Robert Enlow,

Resolved, that the title thereof be as follows, viz.:

An act to prevent the manufacture and sale of adulterated or

misbranded foods, drugs, medicines and liquors, and providing penalties for violations thereof.

Mr. McKnight moved that the vote by which said bill was passed, be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The hour of 12 o'clock, meridian, having arrived, the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided, the members of the Senate of Kentucky appeared and entered upon the floor of the House of Representatives, and in pursuance of a joint rule of the Senate and the House of Representatives, Hon. W. J. Gooch, Speaker of the House of Representatives, presided over the joint Assembly. Hon. Conn Linn, President pro tem of the Senate, took his seat on the left of the Speaker.

The members of the two Houses were convened in joint Assembly, the same being composed of a majority of all the members elected to both Houses. The roll was called and the following Senators and Representatives answered to their names, viz.:

In the Senate—

Joe F. Bosworth,	G. T. Jarvis,	Frank Rives,
A. R. Burnam,	Ben F. Landrum,	Benjamin Sewell,
J. Wheeler Campbell,	Conn Linn,	Hillard H. Smith,
Albert H. Charlton,	P. S. Maxwell,	W. W. Tabb,
J. P. Chinn,	H. S. McNutt,	E. M. Taylor,
Thos. A. Combs,	L. C. Nell,	G. A. Taylor,
Nat. C. Cureton,	J. W. Newman,	Ed. E. Walker,
C. B. Ecton,	A. J. Oliver,	J. J. Watkins,
B. C. Grigsby,	R. W. Owen,	Geo. Wilhelmi,
O. P. Hogan,	Sam H. Peters,	J. W. Wright,
R. L. Hubble,	E. K. Renaker,	G. T. Wyatt,

In the House of Representatives—

A. A. Allphin,	J. P. Haswell, Jr.	John C. Pirtle,
Robt. H. Anderson,	W. W. Hopkins,	J. F. Porter,
O. P. Applegate,	R. Dillard Hunter,	R. S. Rector,
Elliott B. Beard,	F. M. Hutcheson, Jr.	G. T. Reynolds,
J. W. Berkshire,	R. F. Hutchinson,	Isaac G. Rice,
P. W. Berkshire,	W. Harrison Isaacs,	H. A. Schoberth,
F. Pierce Blair,	J. H. Jackson,	W. H. Shanks,
O. Houston Brooks,	W. J. Jackson,	John T. Shanklin,
Frank J. Brown,	W. H. Jones,	Robert C. Simmons,
W. N. Brown, Jr.	W. L. Kimbrough,	J. A. Sloan,
J. T. Buford,	Cleves G. Kinkead,	John L. Smith,
Albert Butler,	A. T. Lee,	Sawyer A. Smith,
H. K. Cole,	E. W. Lillard,	John S. Steers,
W. A. Cope,	Jasper D. Lowder,	R. E. Stewart,
Denver B. Cornett,	Hugh Mahin,	W. H. Strange,
Dr. C. F. Crecelius,	Wm. S. Markolf,	J. W. Stump,
John T. Davis,	J. B. Maynard,	J. A. Sullivan,
W. A. B. Davis,	W. C. McChord,	J. B. Swann,
Henry H. Denham,	Virgil McKnight,	D. P. Taggart,
Thurman B. Dixon,	Emanuel Meyer,	Eugene W. Tandy,
Wm. E. Dowling,	H. L. Myers,	C. S. Templeman,
J. A. Duff,	Duncan Milliken,	Wm. M. Thompson,
W. F. Edmunds,	Garfield Moore,	Geo. C. Waggoner,
Robert Enlow,	Chris. Mueller,	John P. Wallace,
John Feland,	Jesse F. Nichols,	E. E. Wash,
Thos. E. Finley,	A. C. Oliver,	Harry Weitkamp,
S. L. Givan,	G. W. Parrott,	W. R. Whitlow,
F. E. Graves,	C. C. Patrick,	W. C. Wynn,
R. L. Gwathmey,	Samuel J. Patrick,	Geo. S. Wilson,
C. W. G. Hannah,	W. V. Perry,	J. Hal. Woodford,
Robert L. Harris,	G. L. Perryman,	Speaker Gooch—93

The reading of the journals of yesterday of both Houses, pertaining to the proceedings had in the joint Assembly, was dispensed with.

The joint Assembly, proceeded, pursuant to law, to take another (the 16th) joint ballot in the selection of a Senator in the Congress of

the United States from the State of Kentucky, as aforesaid, which resulted as follows, viz.:

In the Senate—

Those who voted for J. C. W. Beckham were—

J. P. Chinn,	P. S. Maxwell,	Frank Rives,
Thos. A. Combs,	J. W. Newman,	W. W. Tabb,
C. B. Ecton,	R. W. Owen,	E. M. Taylor,
O. P. Hogan,	Sam H. Peters,	J. J. Watkins,
R. L. Hubble,	E. K. Renaker,	G. T. Wyatt—16
Conn Linn,		

Those who voted for Wm. O. Bradley were—

Joe F. Bosworth,	Ben F. Landrum,	Hillard H. Smith,
A. R. Burnam,	L. C. Nell,	Ed. E. Walker,
Nat. C. Cureton,	A. J. Oliver,	Geo. Wilhelmi,
B. C. Grigsby,	Benjamin Sewell,	J. W. Wright—13
G. T. Jarvis,		

Those who voted for Henry Watterson were—

J. Wheeler Campbell,

Those who voted for J. Wheeler Campbell were—

Albert H. Charlton, H. S. McNutt,

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

A. A. Allphin,	F. M. Hutcheson, Jr.	John L. Smith,
Robt. H. Anderson,	J. H. Jackson,	John S. Steers,
Elliott B. Beard,	W. J. Jackson,	J. W. Stump,
J. W. Berkshire,	Hugh Mahin,	J. A. Sullivan,

P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
Dr. C. F. Crecelius,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
F. E. Graves,
W. W. Hopkins,
R. Dillard Hunter,
W. C. McChord,
Duncan Milliken,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
H. A. Schoberth,
W. H. Shanks,
R. C. Simmons,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson,
J. Hal. Woodford,
Speaker Gooch—44

Those who voted for Wm. O. Bradley were—

O. P. Applegate,
F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
J. A. Duff,
John Feland,
Thos. E. Finley,
S L. Givan,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Lee,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
Emanuel Meyer,
H. L. Myers,
Garfield Moore,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
G. L. Perryman,
R. S. Rector,
Isaac G. Rice,
John T. Shanklin,
J. A. Sloan,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
D. P. Taggart,
John P. Wallace,
Harry Weitkamp,
W. C. Wynn,—46

Those who voted for John R. Allen were—

W. F. Klair,

Those who voted for J. Wheeler Campbell were—

E. W. Lillard,
Virgil McKnight,
Chris. Mueller,

In summing up the vote of the joint Assembly, it was found to stand thus:

For J. C. W. Beckham	60 votes.
For William O. Bradley	59 votes.
For J. Wheeler Campbell	5 votes.
For Henry Watterson	1 vote.
For John R. Allen	1 vote.
Total number of votes cast	126

No one person having received a majority of all the votes cast, a majority of all the members elected to both House being present and voting, the Speaker as aforesaid announced that no election was had.

The following pairs were announced:

Senator Brown with Senator Vise; Mr. Brown, if present would vote for Mr. Beckham, and Mr. Vise, if present, would vote for Mr. Bradley.

Senator Donaldson with Senator G. A. Taylor; Mr. Donaldson, if present, would vote for Mr. Beckham, and Mr. Taylor, if present, would vote for Mr. Bradley.

Senator Watson with Senator John T. Smith; Mr. Watson, if present, would vote for Mr. Beckham, and Mr. Smith, if present, would vote for Mr. Bradley.

Mr. Arnett with Mr. Chase; Mr. Arnett, if present, would vote for Mr. Beckham, and Mr. Chase, if present, would vote for Mr. Bradley.

Mr. Clay with Mr. Knox; Mr. Clay, if present, would vote for Mr. Beckham, and Mr. Knox, if present, would vote for Mr. Bradley.

Mr. Richardson with Mr. T. C. Jackson; Mr. Richardson, if pres-

ent, would vote for Mr. Beckham, and Mr. Jackson, if present, would vote for Mr. Bradley.

Mr. Mueller moved that the joint assembly do now dissolve.

Said motion was agreed to.

The Senators retired, and the Speaker called the House to order.

By unanimous consent, the House took up for consideration from the orders of the day a bill entitled:

H. B. 77. An act to define and regulate the assessment of stock in corporations incorporated under the laws of Kentucky and of other States and Territories of the United States.

Mr. Arnett moved that the further consideration of said bill be postponed and that the same be made the special order of the day for tomorrow, the 12th inst., at 10:30 o'clock a. m.

Said motion was agreed to.

The House took up for consideration from the calendar bills of the following titles, viz.:

H. B. 75. An act to amend Section 3646 Kentucky Statutes.

H. B. 76. An act to amend an act approved March 13, 1906, entitled, "An act to amend an act entitled, 'An act for the government of cities of the second class in the Commonwealth of Kentucky,'" approved March 19, 1894.

H. B. 190. An act relating to financial statements of cities of the sixth class.

H. B. 107. An act to amend Section 20, Article 8 of an act entitled, "An act relating to Revenue and Taxation," approved March 15, 1906.

H. B. 109. An act to amend an act entitled, "An act relating to Revenue and Taxation," approved March 15, 1906.

H. B. 131. An act relating to financial statements of cities of the fifth class.

H. B. 170. An act to amend an act for the government of cities of the fourth class, approved June 28, 1893, relating to special judges, and being Section 3512 of the Kentucky Statutes.

H. B. 213. An act to amend Section 3643 of the Kentucky Statutes, edited by the Hon. John D. Carroll, and of the edition of 1903.

H. Res. 4. Resolution for the benefit of H. D. Arnold.

H. B. 257. An act to amend Section 1882, Chapter 52, Article 5 of the Kentucky Statutes, Carroll's edition of 1903, entitled Fiscal Courts.

H. B. 198. An act providing for the continuation of the geological, topographical and agricultural survey of the State of Kentucky, and for continuation of topographical surveys in co-operation with United States Geological Survey.

H. B. 188. An act to amend Section 2021 Kentucky Statutes.

H. B. 189. An act to amend Section 2033 Kentucky Statutes.

H. B. 64. An act to promote and compel attendance of children in schools and to prevent truancy in cities of the first, second, third and fourth class, and to enable Boards of Education, or Boards of School Trustees of cities of the first and second class to establish and maintain parental or truant schools for the care and discipline of truant children and for the purpose of reducing truancy.

H. B. 239. An act to amend Chapter 63 of the acts of 1906. entitled, "An act to regulate the carrying, moving, delivering, transferring and distributing of intoxicating liquors in local option districts.

H. B. 249. An act to protect religious worship in assemblages known as associations, camp meetings and arbor meetings.

H. B. 46. An act to prevent the playing of base ball, town ball, foot ball or other similar games on Sunday.

H. B. 143. An act to amend an act entitled, "An act to amend Section 4315 Kentucky Statutes, being Chapter 110 of the Kentucky Statutes," approved March 21, 1906.

Ordered, that said bills be severally read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, they were severally read the second time by their titles.

Ordered, that said bills be placed in the orders of the day.

The House took up for consideration from the calendar a bill entitled:

S. B. 33. An act authorizing corporations organized or empowered to construct a dam or dams in any river or stream in this State for the purpose of improving navigation or developing, using, distributing and selling water power, electricity or electrical energy to exercise the right of eminent domain.

Ordered, that said bill be read the second time.

The provision of the Constitution as to the second reading of said bill at length being dispensed with, it was read the second time by its title.

Mr. Cole moved that said bill be made the special order of the day for tomorrow, the 12 inst. at 11 o'clock a. m.

Said motion was agreed to.

The House took up for consideration from the calendar a bill entitled:

H. B. 40. An act relating to financial statements of cities of the third class.

Ordered, that said bill be read the second time.

The provision of the Constitution as to the second reading of said bill at length being dispensed with said bill was read the second time by its title.

Mr. F. M. Hutcheson moved that said bill be made the special order of the day for Thursday, the 13th inst. at 11 o'clock a. m.

Said motion was agreed to.

The House took up for consideration from the calendar a bill entitled:

H. B. 259. An act to regulate the admission of attorneys to practice law.

Ordered, that said bill be read the second time.

The provision of the Constitution as to the second reading of said bill at length being dispensed with said bill was read the second time by its title.

Mr. Milliken moved that said bill be recommitted to the Committee on Kentucky Statutes, with leave to report at any time.

Said motion was agreed to.

The House took up for consideration from the calendar a bill entitled:

H. B. 105. An act to amend Section 683 and 684 Kentucky Statutes.

Ordered, that said bill be read the second time.

The provision of the Constitution as to the second reading of said bill at length being dispensed with said bill was read the second time by its title.

Mr. McChord moved that said bill be made the special order of the day for Thursday, February 13th, at 10:35 a. m.

Said motion was agreed to.

The House took up for consideration from the calendar a bill entitled:

H. B. 44. An act to amend an act entitled, "An act for the benefit of the Kentucky Children's Home Society."

Ordered, that said bill be read the second time.

The provision of the Constitution as to the second reading of said bill at length being dispensed with said bill was read the second time by its title.

Ordered, that said bill be recommitted to the Committee on Charitable Institutions, with leave to report at any time.

The House took up for consideration from the calendar a bill entitled:

H. B. 233. An act repealing an act entitled, "An act to incorporate the town of Homer and repealing an act to amend the charter of the town of Homer, Logan county, Kentucky."

Ordered, that said bill be read the second time.

The provision of the Constitution as to the second reading of said bill at length being dispensed with, said bill was read the second time by its title.

Ordered, that said bill be recommitted to the Committee on Cities of the Fourth, Fifth and Sixth Classes, with leave to report at any time.

The House took up for consideration from the calendar, bills of the following titles:

H. B. 179. An act enabling the Kentucky Board of Pharmacy to exchange certificates of registration with other states allowing phar-

macists registered in a foreign state to practice pharmacy in the state of Kentucky.

H. B. 130. An act to regulate the matriculation of medical and dental students in medical and dental colleges of this Commonwealth.

Ordered, that said bills be severally read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles.

Ordered, that said bills be recommitted to the Committee on Public Health, with leave to report at any time.

The House took up for consideration from the calendar, bills of the following titles:

H. B. 136. An act to allow veteran volunteer firemen's Associations pensions in the city of Louisville.

H. B. 185. An act requiring cities of the first class to levy and collect a tax of not less than 36 cents on each $100.00 worth of property assessed for taxation for city purposes for the maintenance of the common schools in said cities, being an amendment to section 2969 of the Kentucky Statutes, which is a part of an act for the government of cities of the first class, approved July 1, 1893.

H. B. 230. An act to amend section 2949 of the Kentucky Statutes to compensate school trustees in cities of the first class for attendance at school board and committee meetings.

H. B. 261. An act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several county courts within this Commonwealth with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised.

H. B. 262. An act fixing and defining the powers of the several county courts within this Commonwealth with reference to persons responsible for or directly promoting or contributing to the conditions that render a child dependent, neglected or delinquent and providing how such powers may be exercised.

Ordered, that the said bills be severally read the second time.

The provision of the Constitution as to the second reading of said bills at length, being dispensed with, said bills were read the second time by their titles.

Ordered, that said bills be recommitted to the Committee on Municipalities with leave to report at any time.

The House took up for consideration from the calendar bills of the following titles:

H. B. 26. An act to change the name of the Agricultural and Mechanical College of Kentucky to State University, Lexington, Ky. and to amend parts of the laws with reference to said College and to make the whole apply to said University.

H. B. 92. An act to amend an act approved March 21, 1906, entitled, "An act to establish a system of State Normal Schools in Kentucky; to create a Board of Regents for the general management thereof; to create a Normal Executive Council, which shall determine the requirements for admission and graduation, and the courses of study for said schools; to create a commission which shall determine the location of said schools, and to appropriate funds for their maintenance."

H. B. 140. An act for the benefit of the three State Educational Institutions, viz.: State University, Eastern Kentucky State Normal School and Western Kentucky State Normal School, appropriating money for the erection of necessary buildings, furnishing necessary equipments, purchasing necessary grounds, providing additional reve-

nues for the maintenance of each of said institutions, and amending the laws with reference thereto.

Ordered that said bills be severally read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles.

Ordered, that said bills be recommitted to the Committee on State College and State Normal Schools with leave to report at any time.

Mr. Arnett moved that the House do now adjourn.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Waggoner and Wilson, were as follows, viz.:

Those who voted in the affirmative were—

O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
F. Pierce Blair,
O. Houston Brooks,
W. N. Brown, Jr.
Albert Butler,
W. A. Cope,
Denver B. Cornett,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
John Feland,
Thos. E. Finley,
S. L. Givan,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
W. W. Hopkins,
F. M. Hutcheson, Jr.
R. F. Hutchinson,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Virgil McKnight,
Emanuel Meyer,
H. L. Myers,
Chris. Mueller,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
G. L. Perryman,
R. S. Rector,
Isaac G. Rice,
W. H. Shanks,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
D. P. Taggart,
John P. Wallace,
Harry Weitkamp,
J. Hal. Woodford 55

Those who voted in the negative were—

A. A. Allphin,	W. J. Jackson,	John S. Steers,
J. W. Berkshire,	Jasper D. Lowder,	J. A. Sullivan,
Frank J. Brown,	Duncan Milliken,	J. B. Swann,
J. T. Buford,	Jesse F. Nichols,	Eugene W. Tandy,
H. K. Cole,	W. V. Perry,	C. S. Templeman,
Dr. C. F. Crecelius,	John C. Pirtle,	Wm. M. Thompson,
Robert Enlow,	J. F. Porter,	Geo. C. Waggoner,
F. E. Graves,	H. A. Schoberth,	E. E. Wash,
R. Dillard Hunter,	John T. Shanklin,	W. R. Whitlow,
W. Harrison Isaacs,	J. A. Sloan,	W. C. Wynn,
J. H. Jackson,	John L. Smith,	Geo. S. Wilson,—33

WEDNESDAY, FEBRUARY 12, 1908.

The House was opened with prayer by Rev. Father T. M. Major, of the Roman Catholic Church.

The reading of the journal of yesterday's proceedings was dispensed with.

Mr. Sloan offered the following resolution, viz.:

Resolved, That when the House adjourns to-day, it be in memory of Abraham Lincoln, this being his birthday.

Said resolution was agreed to.

At 10:30 o'clock a. m., the House took up for consideration the special order of the day for this hour, to-wit: a bill entitled:

H. B. 77. An act to define and regulate the assessment of stock in corporations incorporated under the laws of Kentucky and of other states and territories of the United States.

Together with the substitute amendment proposed therefor by the Committee on Revenue and Taxation.

Said bill is as follows:

Whereas: Many persons residing in the State of Kentucky, having moneys invested in the stock of corporations located or incorporated in other states or territories of the United States, have been compelled to leave the State by reason of the assessment of said stock for taxation in this State, the said corporations paying taxes, either upon their capital stock, franchise or other property, real or personal, at the place of their location, or in the jurisdiction in which the same are incorporated, and

Whereas: By said system stockholders in said corporations are subjected to a double taxation, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No person or persons, owning stock in a corporation located or incorporated in any other state or territory of the United States, or incorporated under the laws of Kentucky, where said corporations pay taxes, either upon its capital stock, franchise or other property, real or personal, to the state, territory, municipality or county in which said corporation is located or chartered, or to the State of Kentucky or any municipality or county thereof, shall be required to list same for taxation for either state, county or municipal purposes.

§ 2. Whenever a corporation, whether incorporated under the laws of Kentucky, or under the laws of any other state or territory of the United States, pays taxes upon its capital stock, its franchise or upon its property, real or personal, wherever located, all stock in same belonging to the holders thereof, resident in the State of Kentucky, shall be exempted from all taxation for either state, county or municipal purposes.

§ 3. All acts or parts of acts, inconsistent herewith are hereby repealed.

§ 4. This act shall take effect from and after its passage.

The substitute amendment as proposed by the committee as aforesaid is as follows:

An act to define and regulate the assessment of stock in corporations incorporated under the laws of Kentucky, and of other states and territories of the United States.

Whereas, Many persons formerly residing in the State of Kentucky, having moneys invested in the stock of corporations located or incorporated in other States or Territories of the United States, have been compelled to leave the State by reason of the assessment of said stock for taxation in this State, the said corporations paying taxes upon their property at the place of their location, or in the jurisdiction in which the same are incorporated, and

Whereas, By said system stockholders in said corporation are subjected to double taxation, therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That where any corporation located or incorporated in the State of Kentucky or in any other state or territory of the United States pays to the taxing authorities where its property is located or is subject to taxation, taxes on the property owned or possessed by it, including state, county, and municipal taxes, the stockholders in such corporation shall not be required to list for taxation or pay taxes on the shares of stock owned by them in any such corporation.

Said substitute amendment was agreed to.

Ordered, that said bill as amended by said substitute be engrossed and read the third time.

The provision of the Constitution as to the third reading of said

bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	S. L. Givan,	A. C. Oliver,
Robt. H. Anderson,	C. W. G. Hannah,	G. W. Parrott,
O. P. Applegate,	Robert L. Harris,	C. C. Patrick,
Louis W. Arnett,	W. W. Hopkins,	Samuel J. Patrick,
J. W. Berkshire,	R. Dillard Hunter,	W. V. Perry,
P. W. Berkshire,	F. M. Hutcheson, Jr.	G. L. Perryman,
F. Pierce Blair,	R. F. Hutchinson,	R. S. Rector,
O. Houston Brooks,	W. Harrison Isaacs,	G. T. Reynolds,
Frank J. Brown,	W. J. Jackson,	Isaac G. Rice,
W. N. Brown, Jr.	T. C. Jackson,	H. A. Schoberth,
J. T. Buford,	W. H. Jones,	W. H. Shanks,
Albert Butler,	W. F. Klair,	John T. Shanklin,
J. Will. Clay,	W. L. Kimbrough,	Robert C. Simmons,
H. K. Cole,	Cleves G. Kinkead,	J. A. Sloan,
W. A. Cope,	A. T. Knox,	Sawyer A. Smith,
Denver B. Cornett,	A. T. Lee,	John S. Steers,
Dr. C. F. Crecelius,	E. W. Lillard,	R. E. Stewart,
John T. Davis,	Jasper D. Lowder,	W. H. Strange,
W. A. B. Davis,	Hugh Mahin,	J. A. Sullivan,
Henry H. Denham,	Wm. S. Markolf,	J. B. Swann,
Thurman B. Dixon,	J. B. Maynard,	D. P. Taggart,
Wm. E. Dowling,	Virgil McKnight,	C. S. Templeman,
J. A. Duff,	Emanuel Meyer,	John P. Wallace,
W. F. Edmunds,	H. L. Myers,	W. R. Whitlow,
Robert Enlow,	Garfield Moore,	W. C. Wynn
John Feland,	Chris. Mueller,	J. Hal. Woodford 80
Thos. E. Finley,	Jesse F. Nichols,	

Those who voted in the negative were—

Duncan Milliken,	Eugene W. Tandy,	E. E. Wash,
John L. Smith,	Wm. M. Thompson,	Geo. S. Wilson,—6

Resolved, that the title thereof be as aforesaid.

Mr. Dixon offered the following resolution:

Resolved, that the committee in the contested election case of Buford vs. Mahin from Jessamine county, being the 63d Legislative district, do make a report in said case for the consideration of the House.

The Speaker decided that said resolution was not in order.

Thereupon Mr. Dixon sent up the following appeal from the decision of the chair, viz.:

Whereas, the member from Allen county offered the following resolution, viz.:

Resolved, that the committee in the contested election case of Buford vs. Mahin from Jessamine county, 63d Legislative district, do make a report in said case for the consideration of the House.

And the Speaker of the House decided that said resolution was not in order.

Now therefore from said decision of the chair, the undersigned members of the House appeal to the House.

THURMAN B. DIXON.
JOHN FELAND.
C. W. G. HANNAH.

Pending said appeal, the Speaker vacated the chair and called the Hon. William F. Klair to the chair to preside.

The question was stated, Shall the decision of the chair stand as the judgment of the House?

And it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hannah and Sloan were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Robt. H. Anderson,
J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
J. Will Clay,
Dr. C. F. Crecelius,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
J. H. Jackson,
W. J. Jackson,
W. F. Klair,
E. W. Lillard,
W. C. McChord,
Virgil McKnight,
Duncan Milliken,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
H. A. Schoberth,
W. H. Shanks,
Robert C. Simmons,
John L. Smith,
John S. Steers,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson,
J. Hal. Woodford,44

Those who voted in the negative were—

O. P. Applegate,
F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
H. K. Cole,
W. A. Cope,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
J. A. Duff,
John Feland,
Thos. E. Finley,
S. L. Givan,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
R. F. Hutchinson,
W. Harrison Isaacs,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
Emanuel Meyer,
H. L. Myers,
Garfield Moore,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
G. L. Perryman,
R. S. Rector,
Isaac G. Rice,
John T. Shanklin,
J. A. Sloan,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
D. P. Taggart,
John P. Wallace,
W. C. Wynn—44

Mr. McKnight offered the following resolution:

Resolved, That the committees in contest cases are respectfully requested to report same at once.

Said resolution was agreed to.

At 11 o'clock A. M. the House took up for consideration the special order of the day for that hour, to-wit, a bill entitled:

S. B. 33. An act authorizing corporations organized or empowered to construct a dam or dams in any river or stream in this State for the purpose of improving navigation or developing, using, distributing and selling water power, electricity or electrical energy the right of eminent domain.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1: That every corporation heretofore or hereafter organized for the purpose of constructing, or empowered to construct, a dam or dams in any river or stream in this State for the purpose of improving navigation or developing, distributing and selling water power, electricity or electric energy, shall have power to cause examinations and surveys to be made for its proposed dam or dams, reservoirs, ponds, locks, bridges, power stations, roads, conduits, and transmission lines, as well as the land that may be overflowed by the erection of any dam or dams, or other structures, and for such purposes, by its officers, agents or servants, to enter from time to time upon any lands or waters for the purpose of making such surveys or examinations, subject to liability for actual damage done, and the corporation shall, before entering upon any land for the above named purpose, deposit with the clerk of the county court of the county in which such property is located, a bond to the Commonwealth of Kentucky in the penal sum of an amount fixed by the county court, the same not to be in excess of double the last assessed valuation of such property to be so surveyed

or examined conditioned to indemnify all persons for actual damages sustained on account of making any examination or survey, and when the location of such dam or dams, reservoirs, ponds, locks, bridges, power stations, roads, conduits and transmission lines, as well as the land that may be overflowed by the erection of such dam or dams, shall from time to time be determined, such corporation shall cause a survey and map to be made of the land to be taken and entered upon, which map shall be signed by the president and secretary, and filed in the office of the clerk of the county court of the county in which the lands shown on such maps are situated.

§ 2. When any such corporation can not acquire the real or personal property rights, privileges or easements needed for such dam or dams, reservoirs, locks, ponds, bridges, power roads, conduits, transmission lines and flowage by agreement with the owners thereof, whether by reason of disagreement as to price or the legal incapacity or absence of the owner or his inability to convey vailid title, or by the owner or owners being unknown, or by reason of any other cause, it shall be lawful for such corporation to condemn and take such real estate or personal property rights, privileges or easements necessary for such dam or dams, reservoirs, ponds, locks, bridges, power stations, roads, conduits, transmission lines and flowage in the same manner and the compensation to be paid therefor shall be ascertained and paid in the manner as provided in sections 835 to 840, inclusive, of the Kentucky Statutes for the condemnation of land by railroad companies. Any corporation constructing or maintaining such dam or dams shall be liable for any damages from overflowing any property, public or private.

§ 3. All acts and parts of acts inconsistent herewith are herby repealed.

Ordered, that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill

at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Robt. H. Anderson,
O. P. Applegate,
J. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
Albert Butler,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
R. L. Gwathmey,
C. W. G. Hannah,
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
W. L. Kimbrough,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Virgil McKnight,
Emanuel Meyer,
H. L. Myers,
Garfield Moore,
Jesse F. Nichols,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
H. A Schoberth,
W. H. Shanks,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson
J. Hal. Woodford-80

Resolved, That the title thereof be as aforesaid.

A message was received from the Senate announcing that they had

receded from their disagreement to a substitute adopted by the House to a bill which originated in the Senate entitled:

S. B. 11. An act to provide the Senate and House of Representatives of the State of Kentucky with messengers and stenographers or copyists during the present session of the General Assembly.

And that they had concurred in said substitute amendment and had passed said bill as amended.

That they had concurred in an amendment proposed by the House of Representatives to a resolution which originated in the Senate, entitled:

S. Res. 2. Resolution providing for furnishing the Codes of Practice, Kentucky Statutes, official manual and copies of the Governor's message.

And that they had adopted said resolution as amended.

That they had passed bills and adopted a joint resolution of the following titles, viz.:

S. B. 54. An act for preventing the manufacture and sale of adulterated or misbranded foods, drugs, medicines and liquors and providing penalties for violations thereof.

S. B. 159. An act fixing the compensation of the Lieutenant Governor.

S. Res. 5. Joint resolution providing for the appointment of a commission of five members from the present General Assembly to be known as the Good Roads Commission, whose duty it shall be to devise ways and means, and to this end to prepare and submit to the next General Assembly of Kentucky any bill or bills as will in their judgment when enacted into laws bring to Kentucky the best system of public roads at the least possible cost, and providing for their necessary expenses.

Said bills and resolution were ordered to be printed and referred.

The first to the Committee on Public Health, the second to the Committee on Appropriations, and the third to the Committee on Internal Improvements.

Mr. Sullivan, of the Committee on State College and State Normal Schools, to which the same had been recommitted with leave to report at any time, reported a bill entitled:

H. B. 26. An act to change the name of the Agricultural and Mechanical College of Kentucky to State University, Lexington, Kentucky, and to amend parts of the laws with reference to said college, and to make the whole apply to said University.

Together with the amendments heretofore proposed to said bill by said committee.

Said bill is as follows, viz.:

Whereas, the Agricultural and Mechanical College of Kentucky has outgrown its original proportions and has for some years past maintained fourteen distinct courses of study, each extending over four years in the College proper and each leading to a degree, and,

Whereas, this diversity of education, theoretical and practical, requires that the name, title and designation of this institution, owned, managed and ministered by the State of Kentucky, should be commensurate with its character and work: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the institution founded under the land grant of 1862, by the Congress of the United States, and known hitherto under the corporate designation and title of "Agricultural and Mechanical College of Kentucky," be hereafter known and designated as the "State University, Lexington, Kentucky."

Section 2. That the said State University be maintained by the Commonwealth with such endowments, incomes, buildings and equipments as shall enable it to do work such as is done in other institutions of corresponding rank, both under-graduate and post-graduate, and embracing work of instruction as well as work in original research.

Section 3. That all the acts of the General Assembly of the Commonwealth of Kentucky, making provision for the establishment, support and maintenance of the Agricultural and Mechanical College of Kentucky, heretofore enacted, viz.: An act appointing a commission for the location of the Agricultural and Mechanical College, approved March 13, 1878; an act locating and establishing the Agricultural and Mechanical College, approved February 6, 1880; an act incorporating the Agricultural and Mechanical College, approved March 4, 1880; an act amending the act of incorporation, approved April 23, 1880; an act of the General Assembly approved April 29, 1880, and Section 184 of the Constitution of Kentucky, guaranteeing the validity of the tax levied for the benefit of the Agricultural and Mechanical College by the said act, approved April 29, 1880; an act of incorporation, amending the acts of March 4, 1880 and April 23, 1880, approved May 9, 1893; an act for the maintenance of the girls' dormitory, approved March 21, 1900, and an act making an annual appropriation for the maintenance and support of the said College, which became a law March 26, 1904; and that all the acts of the Congress of the United States, creating and endowing colleges under the land-grant of 1862, viz.: the act providing for the establishing of the college for the benefit of agricultural and mechanical arts, approved July 2, 1862; the act of establishing experiment stations as departments of agricultural colleges, approved March 2, 1887; the act for applying a portion of the proceeds of the public lands to the more complete endowment of the colleges established under the act of July 2, 1862, which passed the Senate June 23, 1890; the act known as the "Adams Act," further endowing experiment stations, passed by Congress March 16, 1906;

an act known as the "Nelson Act," for the further endowment of Agricultural and Mechanical Colleges, passed by Congress March 4, 1907, shall not be affected by this change of name, and the revenues accruing from these and from any and all other sources State and Federal, shall continue to be paid over by the State and Federal authorities to the Treasurer of the State University, Lexington, Kentucky, for its use and maintenance, in accordance with the provisions of said acts of Congress and of the General Assembly of Kentucky.

Section 4. That the requirements of the law of Congress, approved July 2, 1862, for the instruction in these branches of learning, relating to agriculture and the mechanic arts and to military tactics, shall be carried out fully, and that those branches shall continue to be integral and indispesable courses of instruction in the State University; and that in addition to the other colleges of the said University, one of the colleges shall be denominated the Agricultural College, and another, the College of Mechanical Arts of the State University.

Section 5. That a Department of Law, or course of instruction in the science of the law leading to the degree of Bachelor of Laws, shall be established in said University. The course prescribed leading to said degree shall be of equal dignity and rank to that of other corresponding institutions. That a diploma from this department shall be a license to practice law in any of the Courts of the Commonwealth without examination.

Section 6. That a Department of Medicine and Surgery, or courses of instruction in the science of Medicine and Surgery, leading to the usual degrees conferred in such courses, shall be established in said University. The courses prescribed, leading to said degrees, shall be of equal dignity and rank to that of other corresponding institutions, and that a diploma issued from this department shall be accepted

throughout this State on equal terms with diplomas issued from other corresponding institutions.

Section 7. That so much of the law for the benefit of said College designated as Section 26 of the Kentucky Statutes as applies to the manner of making the appointment of beneficiaries to said College be stricken out, and the following language be inserted instead thereof:

"Each county in the State, in consideration of the incomes accruing to said institution under the present laws, for the benefit of the said Agricultural and Mechanical College, be entitled to select and to send to said University each year, one or more properly prepared students as hereinafter provided for, free from all charges for tuition, matriculation fees, room rent, fuel and lights, and to have all the advantages and privileges of said University and dormitories free, except board. Each county in the State shall be the unit of appointment and each county shall be entitled annually to appoint to said University one white pupil for every three thousand, and one for each fraction thereof over fifteen hundred of white school children based upon the last official census preceding said appointment, provided however that each county shall be entitled to at least one annual appointment." So that said section, as amended, will read as follows:

Each county in the State, in consideration of the incomes accruing to said Institution, under the present laws for the benefit of the said Agricultural and Mechanical College, be entitled to select and send to said University each year, one or more properly prepared students, as hereinafter provided for, free from all charge for tuition, matriculation fees, room rent, fuel and lights, and to have all the advantages and privileges of the said University and dormitories free, except board. Each county in the State shall be the unit of appointment, and each county shall be entitled annually to appoint to said University, one white pupil for every three thousand, and one for each fraction thereof over fifteen hundred of white school children based upon the last official census preceding said appointment, provided however that

every county shall be entitled to at least one annual appointment. Said students shall be entitled free of any cost whatever, to the benefits enumerated above for the term of years necessary to complete the course of study in which he or she matriculates for graduation, or during good behavior. All beneficiaries of the State, who continue students for one consecutive, collegiate year, or ten months, unless unavoidably prevented, shall also be entitled to their necessary traveling expenses in going to and returning from said College. The selection of the beneficiaries shall be made by the superintendents of common schools in their respective counties, upon competitive examination, on subjects prepared by the faculty of the College and transmitted to said superintendents before the first day of June of each year.

Provided, That no standard of admission adopted by the College for admisssion into the academy shall exclude from the benefits of this act, county appointees who have completed the course of study prescribed by law for the common schools of the Commonwealth. Said competitive examination shall be open to all persons between the ages of fourteen and twenty-four years. Preference shall be given, other things being equal, to those who have passed with credit through the public school, persons of energy and industry, whose means are small, to aid whom in obtaining a good education, this provision is intended. Said competitive examination shall be held, and the successful competitor appointed between the first day of June and the first day of August of each year. It shall be the duty of the County Superintendent to make known the benefits of this provision to each common school district under his superintendency, with the time and place, when and where such competitive examination shall be held. He shall, for this purpose, appoint a Board of Examiners, whose duty it shall be to conduct the examination. This shall not interfere with any appointment already made to said College.

Section 8. That the Board of Trustees of said University may within their discretion, concede the privilege of free tuition to students

who are preparing for the ministry in connection with any denomination of Christians or any other Church orginizations recognized by the laws of Kentucky.

Section 9. That the Superintendent of Public Instruction of Kentucky shall be ex officio a member of the Board of Trustees.

Section 10. That the Board of Trustees have authority out of the funds under their control, to expend an amount sufficient to meet the necessary expenses incurred in advertising and other necessary charges incident to the change of style and title of the said institution.

Section 11. That the location of the institution established by the act locating the Agricultural and Mechanical College of Kentucky, approved February 6, 1880, shall not be affected by this change of name.

Section 12. That all acts passed by the Legislature of Kentucky, and all regulations made by the Board of Trustees in pursuance thereof, for the government of the Agricultural and Mechanical College, shall continue in effect and apply to the government of the said State University, Lexington, Kentucky, except to the extent herein specifically set out.

Section 13. WHEREAS, by reason of the change of name of the Agricultural and Mechanical College to State University, Lexington, Kentucky, will necessitate immediate preparations and advertisement in order to begin University work by September, 1908, an emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval.

The amendments as proposed to said bill by the Committee on State College and State Normal Schools are as follows, viz.:

1st. That the last three lines of Section 5 be stricken out. The said lines read as follows: "That a diploma from this department

shall be a license to practice law in any of the courts of the Commonwealth without examination."

2d. That so much of Section 7 be stricken out beginning with the word "provided" in the first line on page 6 down to and including the word "Commonwealth" in line 5 on said page so that part stricken out reads as follows: Provided, that no standard of admission adopted by the college for admission into the academy shall exclude from the benefits of this act county appointees who have completed the course of study prescribed by law for the common schools of the Commonwealth."

3d. That Section 9 be stricken out and instead thereof this section be inserted to be numbered 9. That the Board of Trustees shall, from and after January 1, 1910, be bi-partisan, and the Governor in making the appointment of Trustees shall so make them as to divide the representation upon said board equally between the two leading political parties of this Commonwealth, including the ex-officio members. That the Superintendent of Public Instruction of Kentucky shall be ex-officio a member of the Board of Trustees.

4th. That the following separate section be added to the original bill following Section 12, and to be numbered 13, viz.:

§ 13. That all student attending exclusively the law or medical departments of the University shall pay the usual tuition fees.

Section 13 of the original bill shall be numbered 15.

5th. That the following be inserted as Section 14:

§ 14. That students while attending the State University may be examined for county teacher's certificates by the Board of Examiners of Fayette county, Ky., and on the dates provided in the common school law for examination of teachers. If such students are of the age and character required by law in the case of the other candidates for county certificates, the County Superintendent of Fayette county

shall admit them to examination and shall collect from each the legal fee, together with fifty cents additional.

At the close of the examination the County Superintendent shall transmit by registered mail, the examination papers of each student candidate, together with the examination fee, to the County Superintendent of the county from which said candidate desires his certificate issued.

The County Boad of Examiners shall canvass the papers sent to them as above provided, and shall issue county certificates upon them, upon the same terms and conditions as in case of candidates appearing in person for examination.

Said amendments were severally agreed to.

Ordered, that said bill, be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and said bill being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken on passage of said bill in accordance with the provision of the Constitution, were as folows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	R. F. Hutchinson,	John C. Pirtle,
Robt. H. Anderson,	W. Harrison Isaacs,	J. F. Porter,
O. P. Applegate,	J. H. Jackson,	R. S. Rector,
J. W. Berkshire,	T. C. Jackson,	G. T. Reynolds,
P. W. Berkshire,	W. J. Jackson,	H. A. Schoberth,
F. Pierce Blair,	W. F. Klair,	W. H. Shanks,
O. Houston Brooks,	W. L. Kimbrough,	John T. Shanklin,
W. N. Brown, Jr.	Cleves G. Kinkead,	Robert C. Simmons,
J. T. Buford,	A. T. Knox,	J. A. Sloan,
Albert Butler,	A. T. Lee,	John L. Smith,
J. Will Clay,	E. W. Lillard,	Sawyer A. Smith,

H. K. Cole,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
W. F. Edmunds,
Robert Enlow,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
C. W. G. Hannah,
Robert L. Harris,
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Virgil McKnight,
Emanuel Meyer,
Duncan Milliken,
Garfield Moore,
Chris. Mueller,
Jesse F. Nichols,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson.
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson
J. Hal. Woodford, 82

Resolved, that the title thereof be as aforesaid.

The hour of 12 o'clock, meridian, having arrived, the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided, the members of the Senate of Kentucky appeared and entered upon the floor of the House of Representatives, and in pursuance of a joint rule of the Senate and House of Representatives, Hon. W. J. Gooch, Speaker of the House of Representatives, presided over the joint Assembly. Hon. W. H. Cox, Lieutenant Governor and President of the Senate, took his seat on the left of the Speaker.

The members of the two Houses were convened in joint Assembly, the same being composed of a majority of all members elected to both Houses. The roll was called and the following Senators and

Representatives answered to their names, viz.:

In the Senate—

Joe F. Bosworth,
R. B. Brown,
A. R. Burnam,
J. Wheeler Campbell,
Albert H. Charlton,
J. P. Chinn,
Thos. A. Combs,
Nat. C. Cureton,
J. A. Donaldson,
C. B. Ecton,
B. C. Grigsby,
O. P. Hogan,
R. L. Hubble,
G. T. Jarvis,
Ben F. Landrum,
Conn Linn,
P. S. Maxwell,
H. S. McNutt,
L. C. Nell,
J. W. Newman,
A. J. Oliver,
R. W. Owen,
Sam H. Peters,
E. K. Renaker,
Frank Rives,
Benjamin Sewell,
Hillard H. Smith,
W. W. Tabb,
E. M. Taylor,
G. A. Taylor,
Ed. E. Walker,
J. J. Watkins,
Geo. Wilhelmi,
J. W. Wright,
G. T. Wyatt—35

In the House of Representatives—

A. A. Allphin,
Robert H. Anderson,
O. P. Applegate,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Virgil McKnight,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,

Wm. E. Dowling,	Emanuel Meyer,	Eugene W. Tandy,
J. A. Duff,	H. L. Myers,	C. S. Templeman,
W. F. Edmunds,	Duncan Milliken,	Wm. M. Thompson.
Robert Enlow,	Garfield Moore,	Geo. C. Waggoner,
John Feland,	Chris. Mueller,	John P. Wallace,
Thos. E. Finley,	Jesse F. Nichols,	E. E. Wash,
S. L. Givan,	A. C. Oliver,	W. R. Whitlow,
R. L. Gwathmey,	G. W. Parrott,	W. C. Wynn,
C. W. G. Hannah,	C. C. Patrick,	Geo. S. Wilson,
Robert L. Harris,	W. V. Perry,	J. Hal. Woodford,
W. W. Hopkins,	Samuel J. Patrick,	Speaker Gooch—99

The journals of yesterday of both Houses, pertaining to the proceedings had in joint Assembly, were read and approved.

It appearing upon the reading of the Journal as aforesaid that no one person had received a majority of all the votes of said joint Assembly, a majority of all members elected to both Houses being present and voting, the joint Assembly proceeded, pursuant to law, to take another (the 17th) joint ballot in the selection of a Senator in the Congress of the United States from the State of Kentucky, as aforesaid which resulted as follows, viz.:

In the Senate—

Those who voted for J. C. W. Beckham were—

J. P. Chinn,	Conn Linn,	Frank Rives,
Thos. A. Combs,	P. S. Maxwell,	W. W. Tabb,
J. A. Donaldson,	J. W. Newman,	E. M. Taylor,
C. B. Ecton,	R. W. Owen,	J. J. Watkins,
O. P. Hogan,	Sam H. Peters,	G. T. Wyatt—17
R. L. Hubble,	E. K. Renaker,	

Those who voted for W. O. Bradley were—

Joe F. Bosworth,	Ben F. Landrum,	G. A. Taylor,

A. R. Burnam,	L. C. Nell,	Ed. E. Walker,
Nat. C. Cureton,	A. J. Oliver,	Geo. Wilhelmi,
B. C. Grigsby,	Benjamin Sewell,	J. W. Wright.—14
G. T. Jarvis,	Hillard H. Smith.	

Those who voted for Henry Watterson were—

J. Wheeler Campbell,

Those who voted for J. Wheeler Campbell were—

H. S. McNutt, Albert H. Charlton,

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

A. A. Allphin,	F. M. Hutcheson, Jr.	Robert C. Simmons,
Robt. H. Anderson,	J. H. Jackson,	John L. Smith,
J. W. Berkshire,	W. J. Jackson,	John S. Steers,
P. W. Berkshire,	Hugh Mahin,	J. A. Sullivan,
O. Houston Brooks,	W. C. McChord,	J. B. Swann
Frank J. Brown,	Duncan Milliken,	Eugene W. Tandy,
J. T. Buford,	Jesse F. Nichols,	C. S. Templeman,
J. Will Clay,	A. C. Oliver,	Wm. M. Thompson.
Dr. C. F. Crecelius,	W. V. Perry,	Geo. C. Waggoner,
Wm. E. Dowling,	John C. Pirtle,	E. E. Wash,
W. F. Edmunds,	J. F. Porter,	W. R. Whitlow,
Robert Enlow,	G. T. Reynolds,	Geo. S. Wilson
W. W. Hopkins,	H. A. Schoberth,	J. Hal. Woodford,
R. Dillard Hunter,	W. H. Shanks,	W. J. Gooch—42

Those who voted for W. O. Bradley were—

O. P. Applegate,	C. W. G. Hannah,	G. W. Parrott,
F. Pierce Blair,	Robert L. Harris,	C. C. Patrick,
W. N. Brown, Jr.	R. F. Hutchinson,	Samuel J. Patrick,
Albert Butler,	W. Harrison Isaacs,	G. L. Perryman,

H. K. Cole
W. A. Cope,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
J. A. Duff,
John Feland,
Thos. E. Finley,
S. L. Givan,
R. L. Gwathmey,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox
A. T. Lee,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
Emanuel Meyer,
H. L. Myers,
Garfield Moore,
R. S. Rector,
Isaac G. Rice,
John T. Shanklin,
J. A. Sloan,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
D. P. Taggart,
John P. Wallace,
W. C. Wynn—44

Those who voted for John R. Allen were—

W. F. Klair,

Those who voted for J. Wheeler Campbell were—

E. W. Lillard, Virgil McKnight, Chris. Mueller,

In summing up the vote of the joint Assembly, it was found to stand thus:

For J. C. W. Beckham_____59 votes.
For William O. Bradley_____58 votes.
For J. Wheeler Campbell_____ 5 votes.
For Henry Watterson_____ 1 vote.
For John R. Allen_____ 1 vote.

Total number of votes cast_____124

No one person having received a majority of the votes cast, a majority of the members elected to both Houses being present and voting. The Speaker above named declared that no election was had.

The following pairs were announced:

Senator Brown with Senator Vice; Mr. Brown, if present, would vote for Mr. Beckham, and Mr. Vice, if present, would vote for Mr. Bradley.

Senator Watson with Senator John T. Smith; Mr. Watson, if present, would vote for Mr. Beckham, and Mr. Smith, if present. would vote for Mr. Bradley.

Mr. Arnett with Mr. Chase; Mr. Arnett, if present, would vote for Mr Beckham, and Mr. Chase, if present, would vote for Mr. Bradley.

Mr. Beard with Mr. Weitkamp; Mr. Beard, if present, would vote for Mr. Beckham, and Mr. Weitkamp, if present, would vote for Mr. Bradley.

Mr. Stump and Mr. Cornett; Mr. Stump, if present, would vote for Mr. Beckham, and Mr. Cornett, if present, would vote for Mr. Bradley.

Mr. Graves with Mr. Haswell; Mr. Graves, if present, would vote for Mr. Beckham, and Mr. Haswell, if present would vote for Mr. Bradley.

Mr. Richardson with Mr. T. C. Jackson; Mr. Richardson, if present, would vote for Mr. Beckham, and Mr. Jackson, if present, would vote for Mr. Bradley.

Senator Hogan moved that the joint Assembly do now dissolve. Said motion was agreed to.

The Senators retired, and the Speaker called the House to order.

Mr. Klair, of the Committee on Rules, to which the same had been referred, reported a resolution proposing an amendment to the rules as offered by Mr. Nichols. (For resolution see yesterday's Journal). With the following amendments proposed thereto by said Committee, viz.:

After the word "Senators" insert the following words: "Members of the last preceding General Assembly;" and after the word "Librarian" insert the words "Ex-Speakers of the House."

Said amendment was agreed to.

Said resolution was then agreed to.

Mr. Porter, of the Committee on Charitable Institutions, to which the same had been recommitted, with leave to report at any time, reported a bill entitled:

H. B. 44. An act to amend an act entitled, "An act for the benefit of the Kentucky Children's Home Society."

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of said act which reads as follows:

"That there is hereby appropriated out of any money in the Treasury, not otherwise appropriated, the sum of Fifteen Thousand dollars per annum, payable annually, for the benefit of the Children's Home Society, and the Auditor of the Public Accounts, and he is hereby authorized and directed to draw his warrant upon the Treasurer annually in favor of the Treasurer of the Kentucky Children's Home Society for the sum of Fifteen Thousand Dollars.

Provided, No part of said appropriation shall be paid unless there has been executed on the part of said Society, a bond to the Commonwealth of Kentucky with good and sufficient security, stipulating and providing that all of said sums of money so appropriated shall be applied to the purposes of the charter of said Society, that is, to the care, support and maintenance of homeless and destitute children of this Commonwealth, and providing homes for same, and a failure to do so to be a forfeiture thereof. Said bond to be approved by the Auditor of Public Accounts and kept as a record in his office. If any

part of said appropriation be not so applied, that all of such part thereof as may be unexpended shall be returned to and covered into the State Treasury.

Said Society shall, by its proper officers make an annual verified statement and settlement with the Auditor of Public Accounts showing when, where, and how said funds and appropriations have been applied and disbursed;

Is hereby amended to read as follows:

"That there is hereby appropriated out of any money in the Treasury, not otherwise appropriated, the sum of Thirty Thousand Dollars per annum, payable annually, for the benefit of the Kentucky Children's Home Society, and the Auditor of Public Accounts be, and he is hereby authorized and directed to draw his warrants upon the Treasurer annually in favor of the Treasurer of the Kentucky Children's Home Society for the sum of Thirty Thousand Dollars;

Provided, No part of said appropriation shall be paid unless there has been executed on the part of said Society a bond to the Commonwealth of Kentucky, with good and sufficient security, stipulating and providing that all of such sums of money so appropriated shall be applied to the purposes of the charter of said Society, that is, to the care, support, maintenance, and supervision of homeless and destitute children of this Commonwealth, and providing homes for same, and a failure to do so to be a forfeiture thereof. Said bond to be approved by the Auditor of Public Accounts and kept as a record in his office. If any part of said appropriation be not so applied, that all of such part thereof as may be unexpended shall be returned to and covered into the State Treasury.

Said Society shall, by its proper officers make an annual verified statement and settlement with the Auditor of Public Accounts showing when, where and how said funds or appropriations have been applied and disbursed.

§ 2. That section two (2) which reads as follows:

"The said Auditor is authorized and directed to draw his warrants upon the Treasury in favor of the Treasurer of the Kentucky Children's Home Society on the first day of June, 1904, and annually on the same day and date thereafter for the sum of Fifteen Thousand Dollars each;

Shall be amended to read as follows:

"The said Auditor is authorized and directed to draw his warrants upon the Treasury in favor of the Treasurer of the Kentucky Children's Home Society, on the first day of June, 1908, and annually on the same day and date thereafter for the sum of Thirty Thousand Dollars each.

So that the act as amended shall read as follows:

§ 1. That there is hereby appropriated out of any money in the Treasury, not otherwise appropriated, the sum of Thirty Thousand Dollars per annum, payable annually, for the benefit of the Kentucky Children's Home Society, and the Auditor of Public Accounts be, and he is hereby authorized and directed to draw his warrants upon the Treasury annually in favor of the Treasurer of the Kentucky Children's Home Society for the sum of Thirty Thousand Dollars; Provided, No part of said appropriation shall be paid unless there has been executed on the part of said Society, a bond to the Commonwealth of Kentucky, with good and sufficient security, stipulating and providing that all of such sums of money so appropriated shall be applied to the purposes of the charter of said Society, that is, to the care, support, maintenance and supervision of homeless and destitute children of this Commonwealth, providing homes for same, and a failure to do so to be a forfeiture thereof. Said bond to be approved by the Auditor of Public Accounts, and kept as a record in his office. If any part of said appropriation be not so applied that all of such part thereof as may be unexpended shall be returned to and covered into the State Treasury.

Said Society shall, by its proper officers, make an annual verified statement and settlement with the Auditor of Public Accounts showing when, where, and how said funds or appropriations have been applied and disbursed.

§ 2. That said Auditor is authorized and directed to draw his warrants upon the Treasury in favor of the Treasurer of the Kentucky Children's Home Society, on the first day of June, 1908, and annually on the same day and date thereafter, for the sum of Thirty Thousand Dollars each.

Ordered, that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of the bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	Robert L. Harris,	G. L. Perryman,
O. P. Applegate,	W. W. Hopkins,	John C. Pirtle,
Louis W. Arnett,	R. Dillard Hunter,	J. F. Porter,
J. W. Berkshire,	F. M. Hutcheson, Jr.	R. S. Rector,
P. W. Berkshire,	R. F. Hutchinson,	G. T. Reynolds,
F. Pierce Blair,	W. Harrison Isaacs,	Isaac G. Rice,
O. Houston Brooks,	J. H. Jackson,	H. A. Schoberth,
Frank J. Brown,	W. J. Jackson,	W. H. Shanks,
W. N. Brown, Jr.	T. C. Jackson,	Robert C. Simmons,
J. T. Buford,	W. H. Jones,	J. A. Sloan,
Albert Butler,	W. F. Klair,	John L. Smith,
J. Will Clay,	W. L. Kimbrough,	Sawyer A. Smith,
H. K. Cole,	Cleves G. Kinkead,	John S. Steers,
W. A. Cope,	A. T. Knox,	R. E. Stewart,
Denver B. Cornett,	A. T. Lee,	W. H. Strange,
Dr. C. F. Crecelius,	E. W. Lillard,	J. A. Sullivan,

John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
John Feland,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
W. C. McChord,
Virgil McKnight,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Garfield Moore,
Jesse F. Nichols,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson.
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow.
Geo. S. Wilson,
J. Hal. Woodford80

Those who voted in the negative were—

W. C. Wynn,

Resolved, that the title therefore be as aforesaid.

The committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Simmons, of the Committee on the Judiciary:

H. B. 68. An act to further regulate the liability of common carriers doing business in this State to their employes for injuries sustained by such employes while in the performance of their duties to such common carriers.

By same:

H. B. 71. An act qualifying the risks to be deemed as assumed by employes.

By Mr. Dowling, of the Committee on Kentucky Statutes:

H. B. 150. An act to repeal and re-enact sub-divisions 1 and 2, Article XV of Chapter. 46, Kentucky Statutes, entitled "Exempted property," the sections being repealed being Sections 1697, 1698, 1699, 1700, 1702 of said Statutes.

By Mr. Arnett, of the Committee on Circuit Courts:

H. B. 210. An act to amend Section 4643 of the Kentucky Statutes.

With an amendment thereto.

By same:

H. B. 310. An act to amend Section 2253 Kentucky Statutes. qualifications of petit jurors.

By same:

H. B. 268. An act to amend an act amending Section 965 of Kentucky Statutes which relates to the time of holding courts in the twelfth judicial district.

By same:

H. B. 93. An act to amend so much of Section 965 of Kentucky Statutes as relates to the time of holding circuit courts in the second circuit court districts.

By same:

H. B. 138. An act to change the court calendar of the 13th judicial district.

By Mr. Enlow, of the Committee on Public Morals:

H. B. 175. An act to further regulate the sale of spirituous, vinous and malt liquors in this Commonwealth.

With an amendment thereto.

Said bills were severally read the first time at length and ordered placed on the calendar.

Mr. Sullivan, of the Committee on State College and State Normal Schools, to which the same had been recommitted with leave to report at any time, reported a bill of the following title:

H. B. 92. An act to amend an act approved March 21, 1906, entitled, "An act to establish a system of State Normal Schools in Kentucky; to create a Board of Regents for the general management thereof; to create a Normal Executive Council, which shall determine the requirements for admission and graduation, and the courses of study for said schools; to create a commission which shall determine the location of said schools, and to appropriate funds for their maintenance."

Together with a substitute amendment proposed thereto by said Committee.

Mr. Sloan moved that the further consideration of said bill be postponed, and that the same be made the special order for tomorrow, the 13th instant, at 10:30 o'clock, a. m.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, FEBRUARY 13, 1908.

The House was opened with prayer by the Rev. W. E. Simms, of the Methodist Episcopal Church, South.

The reading of the journal of yesterday's proceedings was dispensed with.

Upon a call of the counties and Representative districts, bills were introduced as follows, viz.:

By Mr. Cornett:

H. B. 353. An act to change the name of Mt. Pleasant, Harlan county, Kentucky to Harlan.

Referred to Committee on Cities of the Fourth , Fifth and Sixth Class.

By Mr. Lillard:

H. B. 354. An act to further regulate foreign corporations doing business in Kentucky.

Referred to Committee on Corporate Institutions.

By same:

H. B. 355. An act to award deposits of the Commonwealth in the hands of the Treasurer and Sheriff to the highest bidder.

Referred to Committee on Judicary.

By Mr. Swann:

H. B. 356. An act to prohibit the opening of theatres or play-houses on Sunday, or performances therein and regulating the jurisdiction for the trial of such offenses.

Referred to Committee on Public Morals.

By Mr. Rector:

H. B. 357. An act to amend and re-enact an act fixing the times and terms of the Circuit Court in the Twenty-ninth Circuit Court District.

Referred to Committee on Circuit Courts.

By Mr. Patrick:

H. B. 358. An act relating to trade marks for cattle and other live stock.

Referred to Committee on Agriculture.

By Mr. Reynolds:

H. B. 359. An act relating to the office of reporter of the Court of Appeals, prescribing the duties, and his term of office and fixing his compensation and that of his clerk.

Referred to Committee on Court of Appeals.

By Mr. Steers:

H. B. 360. An act to regulate county printing.

Referred to Committee on Printing.

By Mr. Hannah:

H. B. 361. An act to repeal sub-division 8 of Section 606, Civil Code of Practice of Kentucky.

Referred to Committee on Codes of Practice.

By Mr. Gwathmey:

H. B. 362. An act to amend and extend the provisions of Section 840 of the Kentucky Statutes and to provide for furnishing, care, custory and maintenance of the court houses and court rooms and other public offices therein, and public grounds adjacent thereto in counties having therein a city of the first class.

Referred to Committee on County and City Courts.

By Mr. Markolf:

H. B. 363. An act authorizing the Board of Printing Commissioners to examine the account of the contractor of the second class and authorizing them to approve the account if found correct and direct the Auditor to draw his warrant in favor of such public printer for the amunt found to be due.

Referred to Committee on Claims.

Br. Mr. Mueller:

H. B. 364. An act to amend an act for the government of cities of the first class, approved July 1, 1893, and especially Section 239 of said act, being Section 3025 of the Kentucky Statutes.

Referred to Committee on Municipalities.

By Mr. Mahin:

H. B. 365. An act to prevent circus or wild west shows from showing during live stock or agricultural fairs held in a county seat of this State.

Referred to Committee on Agriculture.

By Mr. Arnett:

H. B. 366. An act to prohibit the docking of horses.

Referred to the Committee on State Fairs.

By Mr. Perry:

H. B. 367. An act providing for the vacation of any State or county official held by any person accepting, holding or exercising the place or duties of a State Central Committeeman or other Committee of a political party.

Referred to Committee on Kentucky Statutes.

By Mr. Sullivan:

H. B. 368. An act to amend 4703, 4704, Chapter 127 of Kentucky Statutes, relative to the patenting of vancant and unappropriated lands.

Referred to Committee on Land Titles.

At 10:30 o'clock the House took up for consideration the special order of the day for that hour, to-wit; a bill entitled:

H. B. 92. An act to amend an act approved March 21, 1906,

entitled, "An act to establish a system of State Normal Schools in Kentucky; to create a Board of Regents for the general management thereof; to create a Normal Executive Council which shall determine the requirements for admission and graduation, and the courses of study for said schools, to create a commission which shall determine the location of said schools, and to appropriate funds for their maintenance."

Together with a substitute amendment proposed thereto by the Committee on State College and State Normal Schools.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That An Act entitled: "An act to establish a system of State Normals Schools in Kentucky; to create a Board of Regents for the general management thereof; to create a Normal Executive Council which shall determine the requirements for admission and graduation, and the courses of study for said schools; to create a Commission which shall determine the location of said schools, and to appropriate funds for their maintenance;" approved March 21, 1906, be and the same is hereby amended as follows, viz.:

That Section One of said Act approved March 21, 1906, be amended by inserting the word "State" preceding the words "Normal School" in and as a part of the name of the Western Kentucky State Normal School and said section when so amended and re-enacted shall read as follows, viz.:

"There shall be established and maintained, as hereinafter provided, two State Normal Schools in this State, as follows: "Eastern Kentucky State Normal School" to be located in Normal School district number one, and the "Western Kentucky State Normal School" to be located in Normal School district number two, the boundaries of which Normal School districts shall be fixed every ten years on the

basis of each Federal census, by a commission consisting of four members to be appointed by the Governor and which districts shall always be as near equal as may be in population.

§ 2. That Section 14 of said act of March 21, 1906, be and the same is hereby repealed and in lieu thereof the following is enacted viz.: "Each Board of Regents shall have power and authority, subject to the approval of the State Superintendent of Public Instruction to confer, under its corporate seal, upon students of said schools the following certificates and diplomas, viz.: An "Elementary certificate; an "Advanced certificate," and a diploma. The elementary certificate shall be granted only upon the completion of one year's resident work and shall entitle the holder thereof to teach in any public school in this State during a period of two years from the date thereof without further examination; The advanced certificate to be granted only on the completion of two year's work and shall entitle the holder thereof to teach in any public shchool in this State for a period of four years from the date thereof without further examination; and a diploma shall be granted only on the completion of four years work during at least one of which years the student shall reside at the institution granting the same and such diploma shall entitle the holder thereof to teach in any public school in this State for a period of three years from the date thereof without further examination; and if at the end of three years a teacher holding a diploma shall present to the Board of Regents which granted the same satisfactory evidence of successful teaching during said period and of good moral character then the diploma may be extended for life, or during good behavior by the Board, subject however, to the approval of the State Superintendent of Public Instruction and it shall be so indorsed by the Board of Regents and the holder thereof shall be entitled to teach in any public school in this State during good behavior without further examination. The official endorsement of the State Superintendent of Public Instruction shall be necessary to validate such diploma or certificate, or extension thereof, above named.

Any diploma or certificate may be revoked for cause by the Board of Regents of the school granting the same or by the State Superintendent of Public Instruction. Any County Superintendent may for cause, revoke, for his county, any certificate of which revocation immediate notice shall be given the State Superintendent of Public Instruction and he shall have power to approve or reverse such revocation.

The Secretary of the Board of Regents shall annually on or before the first day of August, transmit to the State Superintendent of Public Instruction the names of those receiving such diplomas and certificates, their dates of issue and the place of residence of each holder and the State Superintendent shall annually—not later than August the 15th—forward to each County Superintendent a printed list of persons holding State certificates then in force, and those authorized to teach under the provisions of this section, giving names. residence, dates of qualification, and by whom conferred, and the date on which each Normal Certificate shall expire; and the holder of such State Certificate, Normal Diploma or Normal Certificate, shall before commencing to teach a Public School in any county in this State, notify the County Superintendent thereof, of said fact. give date of qualification and by whom conferred, and the County School Superintendent shall verify same by examination of the list sent him by the State Superintendent; and if found correct, shall duly record the said teacher as eligible to teach in such county.

§ 3. That Section 20 of said Act of March 21, 1906, be and the same is hereby repealed, and in lieu thereof the following is enacted:

"The President of each Normal School shall make to his Board of Regents written report in duplicate during the month of August of each year, which shall contain a full account of all receipts of moneys from appropriations, tuitions, fees, and all other sources, and the disbursements thereof, and for what purpose, and the condition of said Normal School; shall also report a list of the names and places

of residence of all students that may have been taught in the Normal School during the preceding year, the number of terms enrolled, the number of days each has taught and the amount of tuition and incidental fees paid; one of which reports shall be filed in the office of the Secretary of the Board of Regents, and the other transmitted to and filed in the office of Superintendent of Public Instruction at Frankfort, Ky.

§ 4. That Section 26 of said Act approved March 21, 1906, be repealed and in lieu thereof the following is enacted:

"Each county in the State shall be the unit of appointment; and each county shall be entitled annually to appointment to free tuition in the Normal School of the district in which it is located, of one white pupil for every five hundred, and fraction thereof over two hundred and fifty, of white school children, based on the last official school census preceding the appointment. Said pupils so appointed shall be chosen as follows: The Superintendent of Schools in each county shall receive and register the names of all applicants for admission to said schools and shall examine such applicants at such time and in such manner as the Normal Executive Council may direct and the applicants found to possess the highest qualifications, are of good character, shall be accepted as the pupils to which said county is entitled. Said appointment shall be for the full term of the prescribed course of study in the school; any vacancy in any district may be filled in the same manner as provided for regular appointments. Should the number of applicants during any term not reach the number allowed for the district, said district may, during any other term appoint a sufficient number to make an average for any year to which the district is entitled under the provisions of this section.

The Board of Regents shall have power, in case any pupil so appointed, shall refuse to sign and file with the Secretary of said Board a declaration that he or she will, if engagement can be secured

by reasonable effort, teach in the public schools of this State not fewer than two years upon an Elementary Certificate, not fewer than three years upon an Intermediate or Advanced Certificate, and not fewer than four years upon any of the diplomas which the Board of Regents is authorized to confer, to require such pupil to pay such fees and tuition as the Board may prescribe.

§ 5. That the following is enacted as an amendment to said Act approved March 21, 1906 and is an additional section thereto, viz.:

"Each Board of Regents is vested with power to purchase additional real estate when in its judgment the same is necessary for the purposes of the school. If the Board of Regents be unable to agree with the owner or owners of such real estate as to its value, or to purchase the same, it may proceed in its own name, in any court having jurisdiction, to condemn such real estate in the same manner as provided by law in the condemnation of lands for railroad purposes.

"Lands so acquired by purchase or condemnation shall be paid for out of moneys appropriated to said school.

§ 6. That the following is enacted as an amendment to said Act approved March 21, 1906, and as an additional section thereto, viz.:

"That students while attending a State Normal School may be examined for county teachers' certificates by the Board of Examiners of the county in which such Normal School is located, and on the dates provided in the common school law for examination of teachers. If such Normal School students are of the age and character required by law in the case of other candidates for county certificates, the County Superintendent of the county in which the Normal School they are attending, is located, shall admit them to examination and shall collect from each the legal fee, together with fifty cents additional.

At the close of the examination the County Superintendent shall

transmit by registered mail, the examination papers of each student candidate, together with the examination fee, to the County Superintendent of the county from which said candidate desires his certificate issued.

The County Board of Examiners shall canvass the papers sent to them as above provided, and shall issue county certificates upon them, upon the same terms and conditions as in case of candidates appearing in person for examination.

Said substitute is as follows:

An act to amend an act approved March the 21, 1906, entitled, "An act to establish a system of State Normal schools in Kentucky; to create a Board of Regents for the general management thereof; to create a Normal Executive Council, which shall determine the requirements for admission and graduation and the courses of study for said schools; to create a Commission, which shall determine the location of said schools, and to appropriate funds for their maintenance."

Be it enacted by the General Assembly of the Commonweath of Kentucky:

§ 1. That an act entitled, "An act to establish a system of State Normal Schools in Kentucky; to create a Board of Regents for the general management thereof; to create a Normal Executive Board, which shall determine the requirements for admission and graduation, and the courses of study for said schools; to create a commission which shall determine the location of said schools, and to appropriate funds for their maintenance," approved March 21, 1906, be and the same is hereby amended as follows, viz.:

That Section 1 of said act approved March 21, 1906, be stricken out and repealed, and in lieu thereof the following is enacted, viz.:.

§ 1. That the State of Kentucky be divided into two State Normal

School districts and that they be called the Eastern Kentucky State Normal School District and the Western Kentucky State Normal School District and that there be established and maintained two State Normal Schools in this State as follows: The Eastern Kentucky State Normal School, located in the Eastern Normal School District at Richmond, Kentucky, and the Western Kentucky State Normal Schools, located in the Western Normal School District at Bowling Green, Kentucky, the boundaries of which two Normal Schools Districts shall be fixed the year following, and on the basis of every federal census, by a commission consisting of the State Superintendent of Public Instruction and the President of the Eastern and Western Kentucky State Normal Schools, and which districts shall always be as near equal as may be in white population.

§ 2. That Section 14 of said act of March 21, 1906, be and the same is hereby repealed, and in lieu thereof the following is enacted, viz.:

Each Board of Regents shall have full power and authority subject to the approval of the State Superintendent of Public Instruction, to confer, under its corporate seal, upon students, of said schools, the following certificates, viz.: An "Elementary Certificate," an Intermediate Certificate" and an "Advanced Certificate."

The Elementary Certificate shall be conferred upon the completion of one year's work, and shall entitle the holder thereof to teach in any public school in this State for the period of two years from the date thereof without further examination. The Intermediate Certificate shall be conferred upon the completion of two year's work, and shall entitle the holder thereof to teach in any public school in this State for a period of four years from the date thereof without further examination. The Advanced Certificate shall be conferred upon the completion of three year's work, and shall entitle the holder thereof to teach in any public school in this State for a period of three years from the date thereof without further examination, and if at the end

of the three years a teacher holding an Advanced Certificate shall present to the Board of Regents which granted the same, satisfactory evidence of successful teaching during said period, and of good moral character, then the Advanced Certificate may be extended for life, or good behavior, by said Board, subject, however, to the approval of the State Superintendent of Public Instruction; and it shall be so endorsed by the said Board, and the holder thereof shall be entitled to teach in any public school in this State during good behavior without further examination.

The official endorsement of the State Superintendent of Public Instruction shall be necessary to validate any certificate, or extension thereof above named. Any certificate may be revoked for cause by the Board of Regents of the school granting the same, or by the State Superintendent of Public Instruction. Any County Superintedent may, for cause, revoke for his county any certificate, of which revocation immediate notice shall be given to the State Superintendent of Public Instruction, and he shall have power to approve or reverse such revocation.

The Secretary of the Board of Regents shall annually on or before the first day of August, transmit to the State Superintendent of Public Instruction the names of those receiving such certificates, their date of issue, and the place of residence of each holder, and the State Superintendent shall annually, not later than August the 15th, forward to each County School Superintendent a printed list of persons holding State certificates then in force, and those authorized to teach under the provisions of this Section, giving names, residences, dates of qualification, and by whom conferred, and the date on which each Normal certificate shall expire; and the holder of such certificate shall, before commencing to teach a public school in any county in this State, notify the County Superintendent thereof of such fact, give date of qualification and by whom conferred, and the County School Superintendent shall verify same by examination of the list sent him by

the State Superintendent, and if found to be correct, shall duly record the said teacher as eligible to teach in said county.

§ 3. That Section 20 of said act of March 21, 1906, be and the same is hereby repealed, and in lieu thereof the following is enacted:

The President of each Normal School shall make to his Board of Regents written reports in duplicate during the month of August of each year, which shall contain a full account of all receipts of moneys from appropriations, tuitions, fees and all other sources, and the disbursements thereof, and for what purpose, and the condition of said Normal School; shall also report a list of the names and places of residence of all students that may have been taught in the Normal School during the preceding year, the number of terms enrolled, the number of days each has taught and the amount of tuition and incidental fees paid; one of which reports shall be filed in the office of the Secretary of the Board of Regents, and the other transmitted to and filed in the office of Superintendent of Public Instruction at Frankfort, Kentucky.

§ 4. That Section 26 of said act approved March 21, 1906, be repealed and in lieu thereof the following is enacted:

Each county in the State shall be the unit of appointment; and each county shall be entitled annually to appointment to free tuition in the Normal School of the district in which it is located, of one white pupil for every five hundred and fifty, and fraction thereof over two hundred and fifty of white school children, based on the last official school census preceding the appointment. Said pupils so appointed shall be chosen as follows: The Superintendent of Schools in each county shall receive and register the names of all applicants for admission to said schools and shall examine such applicants for admission to said schools and shall examine such applicants at such time and in such manner as the Normal Executive Council may direct, and the applicants found to possess the highest qualifications, and who are of good character, shall be accepted as the pupils to which the county is

entitled. Said appointment shall be for the full term of the prescribed course of study in the school; any vacancy in any county may be filled in the same manner as provided for regular appointments. Should the number of appointees in attendance during any term not reach the number allowed for the county, said county may during any other term appoint alternates, so that the average for any whole year from any county may equal the number to which it is entitled under the provisions of this section.

The Board of Regents shall have power, in case any pupil so appointed shall refuse to sign and file with the Secretary of said Board a declaration that he or she will, if engagement can be secured by reasonable effort, teach in the public schools of this state not fewer than two years upon an Elementary Certificate; not fewer than three years upon an Intermediate or Advanced Certificate to require such pupil to pay such fees and tuitions as the Board may prescribe.

§ 5. That the following be enacted as an amendment to said act approved March 21, 1906, and as an additional Section thereto, viz:

The Board of Regents of each of said Normal Schools is vested with power to purchase additional real estate when in its judgment the same is necessary for the purposes of the school. If the Board of Regents be unable to agree with the owner or owners of such real estate as to its value, or to purchase the same, it may proceed in its own name, in any court having jurisdiction, to condemn such real estate in the same manner as provided by law in the condemnation of lands for railroad purposes. Real estate acquired by purchase or condemnation shall be paid out of moneys appropriated to said school.

Each Board of Regents may, on such terms as it may regard best for the school, lease or donate a lot of land for the purpose of securing the erection of a library thereon; each Board may also erect or lease from another for a term of years any necessary buildings or grounds. Each Board of Regents may, when it regards the same to be best for

its school, sell and convey any real estate or buildings now owned by it, but the proceeds arising from such sale must be re-invested in other real estate buildings for the use of said school.

§ 6. That the following is enacted as an amendment to said act approved March 21, 1906, and as an additional section thereto, viz.:

That students while attending a State Normal School may be examined for county teachers' certificate by the Board of Examiners of the county in which such Normal School is located, and on the dates provided in the common school law for examination of teachers. If such Normal students are of the age and character required by law in the case of other candidates for county certificates, the County Superintendent of the county in which the Normal School they are attending, is located, shall admit them to examination and shall collect from each the legal fee, together with fifty cents additional.

At the close of the examination the County Superintendent shall transmit by registered mail, the examination papers of each student candidate, together with the examination fee, to the County Superintendent of the county from which said candidate desires his certificate issued.

The County Board of Examiners shall canvass the papers sent to them as above provided, and shall issue county certificates upon them, upon the same terms and conditions as in case of candidates appearing in person for examination.

§ 7. Whereas, The Eastern and Western Kentucky State Normal Schools are now open and the Board of Regents of both said schools desire to take steps under the provisions of this act as soon as possible, an emergency is declared to exist, and this act shall be in force and effect from its passage and approval by the Governor.

Said substitute was agreed to.

Ordered, that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed, and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
W. A. B. Davis,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
F. E. Graves,
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
W. H. Jones,
W. F. Klair,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Duncan Milliken,
Garfield Moore,
Chris. Mueller,
Jesse F. Nichols,
C. C. Patrick,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
H. A. Schoberth,
W. H. Shanks,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
John S. Steers,
J. A. Sullivan,
J. B. Swann,
C. S. Templeman,
Wm. M. Thompson.
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson,
J. Hal. Woodford,—55

Those who voted in the negative were—

A. A. Allphin,
O. P. Applegate,
F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
Henry H. Denham,
J. A. Duff,
T. C. Jackson,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
Wm. S. Markolf,
J. B. Maynard,
G. W. Parrott,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman,
Isaac G. Rice,
John T. Shanklin,
Sawyer A. Smith,

John Feland, W. C. McChcrd, R. E. Stewart,
R. L. Gwathmey, Emanuel Meyer, W. H. Strange,
Robert L. Harris, H. L. Myers, W. C. Wynn—32
R. F. Hutchinson, A. C. Oliver,

Resolved that the title thereof be as aforesaid.

At 10:35 o'clock A. M., the House took up for consideration the special order of the day for that hour, to-wit: a bill entitled:

H. B. 105. An act to amend Sections 683 and 684, Kentucky Statutes.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections 683 and 684 of the Kentucky Statutes be amended and re-enacted, so as to read as follows:

"Section 683. When the articles are filed and recorded as provided, and the corporators desire to proceed to organize such company, they shall publish their intention in a newspaper published in the county in which said company is to be organized, or having general circulation therein, published in this State; and when such intention has been published in said paper for two consecutive weeks, they may open books to receive subscriptions to the capital stock, and keep such books open until the amount required by this law is subscribed; or in case the business of such company is proposed to be conducted on the plan of mutual insurance, then to open books to receive propositions and enter into agreements in the manner and to the extent specified in the 684th section, and may then proceed to distribute the stock among the subscribers, if more than the necessary amount is subscribed, and proceed to collect in the said capital, and complete the organization of the Company. When the capital stock named in the charter has been subscribed and paid in, the corporators shall

so notify the Commissioner, and shall furnish him with proof of the publication of notice required by this section, and the Commissioner shall then make, or cause to be made, an examination of the company as provided, and issue his certificate authorizing the corporation to commence business, if the requirements of the law have been complied with.

§ 2. That section 684 of the Kentucky Statutes be amended by striking out of said section, the words "one hundred" and inserting in lieu thereof, the word "fifty."

"Section 684. No stock company shall be incorporated under this law with a smaller capital than fifty thousand dollars, which stock shall be divided into shares of one hundred dollars each; nor shall any company on the plan of mutual insurance, commence business in this State until agreement has been entered into for insurance with at least two hundred applicants, the premiums on which shall amount to not less than one hundred thousand dollars, of which at least fifty thousand dollars shall have been paid, in cash, and notes of solvent parties founded on actual and *bona fide* applications for assurance, shall have been received for the remainder. No one of the notes received as aforesaid, shall amount to more than five hundred dollars, and no two shall be given for the same risk, or be made by the same person or firm, except where the whole amount of such notes shall not exceed five hundred dollars; nor shall any note be represented as capital stock unless a policy be issued upon the same within thirty days after the organization of the company, upon a risk which shall be for no shorter period than twelve months. Each of said notes shall be payable in part or in whole at any time when the directors shall deem the same requisite for the payment of losses by fire, or inland navigation, or such incidental expenses as may be necessary for transacting business of said company. And no note shall be accepted as part of such capital stock unless the same shall be accompanied by a certificate of a justice of the peace of the precinct where the person

making such note shall reside, that the person making the same, is, in his opinion, pecuniarily responsible for the same, and no such note shall be surrendered during the life of the policy for which it was given. Mutual fire insurance companies organized under this law, or any law of this State, may charge and collect in advance upon their policies, a full annual premium in cash, but such policies shall not compel subscribers, insured or assured, to renew any policy nor pay a second or further annual or term premium. Any such company must, in its by-laws, and in its policies, fix, by a uniform rule, the contingent mutual liability of its members for the payment of losses and expenses, and such contingent liabities shall not be less than three nor more than five annual cash premiums as written in the policy; but such liability shall cease with the expiration of the time for which a cash premium has been paid in advance, except for liability incurred during that time."

§ 3. All laws or parts of laws in conflict herewith, are hereby repealed.

§ 4. Owing to the fact that these amendments are needed in order that fire insurance companies may be organized at once within the State to give to the citizens of the State insurance upon their property, a large amount of which is now uninsured, an emergency is hereby declared to exist and this act shall take effect and become a law from and after its passage.

Ordered, that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken thereon on the final passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Robt. H. Anderson,
O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
J. Will Clay,
Dr. C. F. Crecelius,
John T. Davis,
Thurman B. Dixon,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
Thos. E. Finley,
F. E. Graves,
R. L. Gwathmey,
Robert L. Harris;
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
W. J. Jackson,
T. C. Jackson,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
E. W. Lillard,
Hugh Mahin,
Wm. S. Markolf,
W. C. McChord,
Virgil McKnight,
Emanuel Meyer,
Duncan Milliken,
J. F. Nichols,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,—67

Those who voted in the negative were—

W. A. Cope,
Denver B. Cornett,
W. A. B. Davis,
J. A. Duff,
John Feland,
C. W. G. Hannah,
W. Harrison Isaacs,
A. T. Lee,
Jasper D. Lowder,
J. B. Maynard,
H. L. Myers,
Garfield Moore,
G. L. Perryman,
R. S. Rector,
Isaac G. Rice,
Sawyer A. Smith, 16

Resolved, that the title thereof be as aforesaid.

At 11 o'clock the House took up for consideration the special order of the day for that hour, to-wit: a bill entitled:

H. B. 40. An act relating to financial statements of cities of the third class.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Common council of all cities of the third class, shall, during the month of January in each year, publish in one issue of a newspaper published in and having a general circulation in the county in which the city is situated, a statement showing the amount of taxable property in the city, the vote of taxation and the amount due therefrom; the number of citizens subject to poll tax, the rate of taxation, and the amount due therefrom; the total amount of taxes due the city from all sources, the amount that has been collected in each department and the amount uncollected; the amount of money received by the city from all sources during the preceding year and the source from which it was derived and from whom; the amount of money expended by and for the city during the preceding year, and to whom paid and for what service.

§ 2. The Mayor and members of the Common Council, and each of them, of any city that fails or refuses to comply with the provisions of section one of this act shall be fined twenty-five dollars for each offense, the penalty to be recovered by indictment in the circuit court or by warrant in an inferior court.

Ordered, that said bill be read the third time.

The provision of the Constitution as to the third reading of said bills at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson,	F. M. Hutcheson, Jr.	Samuel J. Patrick,
O. P. Applegate,	R. F. Hutchinson,	W. V. Perry,
Louis W. Arnett,	W. Harrison Isaacs,	G. L. Perryman,
Elliott B. Beard,	J. H. Jackson,	John C. Pirtle,
J. W. Berkshire,	W. J. Jackson,	J. F. Porter,
P. W. Berkshire,	T. C. Jackson,	R. S. Rector,
F. Pierce Blair,	W. H. Jones,	G. T. Reynolds,
O. Houston Brooks,	W. F. Klair,	Isaac G. Rice,
Frank J. Brown,	W. L. Kimbrough,	H. A. Schoberth,
W. N. Brown, Jr.	Cleves G. Kinkead,	W. H. Shanks,
J. T. Buford,	A. T. Knox,	John T. Shanklin,
Albert Butler,	A. T. Lee,	Robert C. Simmons,
J. Will Clay,	E. W. Lillard,	J. A. Sloan,
H. K. Cole,	Jasper D. Lowder,	John L. Smith,
Dr. C. F. Crecelius,	Hugh Mahin,	John S. Steers,
John T. Davis,	Wm. S. Markolf,	R. E. Stewart,
W. A. B. Davis,	J. B. Maynard,	W. H. Strange,
Henry H. Denham,	W. C. McChord,	J. A. Sullivan,
Thurman B. Dixon,	Virgil McKnight,	J. B. Swann,
Wm. E. Dowling,	Emanuel Meyer,	C. S. Templeman,
W. F. Edmunds,	H. L. Myers,	Wm. M. Thompson,
Robert Enlow,	Duncan Milliken,	Geo. C. Waggoner,
Thos. E. Finley,	Garfield Moore,	John P. Wallace,
F. E. Graves,	Chris. Mueller,	E. E. Wash,
C. W. G. Hannah,	Jesse F. Nichols,	W. R. Whitlow,
Robert L. Harris,	A. C. Oliver,	W. C. Wynn,
W. W. Hopkins,	G. W. Parrott,	Geo. S. Wilson,
R. Dillard Hunter,	C. C. Patrick,	J. Hal. Woodford--84

Resolved, that the title thereof be as aforesaid.

Mr. Sullivan, of the Committee on State College and State Normal Schools, to which the same had been recommitted with leave to report at any time, reported a bill entitled:

H. B. 140. An act for the benefit of the three State Educational

institutions, viz.: State University, Eastern Kentucky State Normal School and Western Kentucky State Normal School, appropriating money for the erection of necessary buildings, furnishing necessary equipment, purchasing necessary additional grounds and providing additional revenues for the maintenance of each of the said institutions, and amending the laws with reference thereto.

Together with the amendments heretofore proposed thereto by the Committee on State College and State Normal Schools.

Mr. Brooks offered sundry amendments to said bill.

Mr. Enlow moved that said bill and amendments be recommitted to the Committee on Appropriations.

Said motion was disagreed to.

The yeas and nays being required on said motion by Messrs. Cole and Hannah, were as follows, viz.:

Those who voted in the affirmative were—

J. W. Berkshire,	C. W. G. Hannah,	John C. Pirtle,
P. W. Berkshire,	W. W. Hopkins,	J. F. Porter,
F. Pierce Blair,	R. F. Hutchinson,	Isaac G. Rice,
O. Houston Brooks,	W. J. Jackson,	J. A. Sloan,
W. N. Brown, Jr.	W. L. Kimbrough,	Sawyer A. Smith,
W. A. Cope,	Cleves G. Kinkead,	R. E. Stewart,
Denver B. Cornett,	A. T. Lee,	W. H. Strange,
W. A. B. Davis,	Jasper D. Lowder,	J. B. Swann,
Henry H. Denham,	J. B. Maynard,	D. P. Taggart,
J. A. Duff,	Garfield Moore,	W. C. Wynn,
Robert Enlow,	A. C. Oliver,	J. Hal. Woodford--35
John Feland,	G. W. Parrott,	

Those who voted in the negative were—

A. A. Allphin,	R. Dillard Hunter.	W. V. Perry,
Robert H. Anderson,	E. M. Hutcheson, Jr.	G. L. Perryman,

O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
Frank J. Brown,
J. T. Buford,
Albert Butler,
J. Will Clay,
H. K. Cole,
Dr. C. F. Crecelius,
John T. Davis,
Thurman B. Dixon,
Wm. E. Dowling,
W. F. Edmunds,
Thos. E. Finley,
F. E. Graves,
Robert L. Harris,
J. H. Jackson,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
E. W. Lillard,
Hugh Mahin,
Wm. S. Markolf,
W. C. McChord,
Virgil McKnight,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Chris. Mueller,
Jesse F. Nichols,
C. C. Patrick,
Samuel J. Patrick,
R. S. Rector,
G. T. Reynolds,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
Robert C. Simmons,
John L. Smith,
John S. Steers,
J. A. Sullivan,
C. S. Templeman,
Wm. M. Thompson.
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson,—53

Mr. Sloan moved that the further consideration of said bill and amendments be postponed and that same be made the special order of the day for Tuesday next, February 18th, at 10:30 o'clock A. M.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Sullivan and Hannah, were as follows, viz.:

Those who voted in the affirmative were—

Robt. H. Anderson,
O. P. Applegate,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
W. N. Brown, Jr.
Albert Butler,
W. A. Cope,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
W. W. Hopkins,
R. Dillard Hunter,
R. F. Hutchinson,
W. J. Jackson,
T. C. Jackson,
W. L. Kimbrough,
Cleves G. Kinkead,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
Isaac G. Rice,
John T. Shanklin,
J. A. Sloan,

Denver B. Cornett,	A. T. Knox,	Sawyer A. Smith,
John T. Davis,	A. T. Lee,	R. E. Stewart,
W. A. B. Davis,	Jasper D. Lowder,	W. H. Strange,
Henry H. Denham,	Wm. S. Markolf,	J. B. Swann,
Thurman B. Dixon,	J. B. Maynard,	D. P. Taggart,
J. A. Duff,	W. C. McChord,	C. S. Templeman,
W. F. Edmunds,	Emanuel Meyer,	Wm. M. Thompson,
Robert Enlow,	H. L. Myers,	W. C. Wynn,
John Feland,	Garfield Moore,	J. Hal. Woodford, 57
R. L. Gwathmey,		

Those who voted in the negative were—

A. A. Allphin,	W. F. Klair,	W. H. Shanks,
Louis W. Arnett,	E. W. Lillard,	Robert C. Simmons,
Frank J. Brown,	Hugh Mahin,	John L. Smith,
J. T. Buford,	Virgil McKnight,	John S. Steers,
H. K. Cole,	Duncan Milliken,	J. A. Sullivan,
Wm. E. Dowling,	Jesse F. Nichols,	Geo. C. Waggoner,
Thos. E. Finley,	Samuel J. Patrick,	John P. Wallace,
F. E. Graves,	W. V. Perry,	E. E. Wash,
F. M. Hutcheson, Jr.	G. T. Reynolds,	W. R. Whitlow,
J. H. Jackson,	H. A. Schoberth,	Geo. S. Wilson,—31
W. H. Jones,		

A message was received from the Senate announcing that they had passed bills of the following titles, viz.:

1. S. B. 13. An act to amend the Constitution so as to provide for the classification of property and the imposition of uniform taxation thereon.

2. S. B. 20. An act to amend Section 1784 of the Kentucky Statutes.

3. S. B. 38. An act relating to bonds of public officials and other bonds required by law.

4. S. B. 112. An act to amend and re-enact an act to prevent adulterations

Said bills were ordered to be printed and referred.

No. 1 to the Committee on Revenue and Taxation; 2 and 4 to the Committee on Agriculture and 3 to the Committee on Kentucky Statutes.

The hour of 12 o'clock meridian, having arrived, the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided, the members of the Senate of Kentucky appeared and entered upon the floor of the House of Representatives, and in pursuance of a joint rule of the Senate and House of Representatives, Hon. W. J. Gooch, Speaker of the House of Representatives, presided over the joint Assembly. Hon. Conn Linn, President pro tem of the Senate, took his seat on the left of the Speaker.

The members of the two Houses were convened in joint Assembly, the same being composed of a majority of all the members elected to both Houses. The roll was called and the following Senators and Representatives answered to their names, viz.:

In the Senate—

Joe F. Bosworth,	G. T. Jarvis,	Benjamin Sewell,
A. R. Burnam,	Ben F. Landrum,	Hillard H. Smith,
J. Wheeler Campbell,	Conn Linn,	Jno. T. Smith,
Albert H. Charlton,	P. S. Maxwell,	W. W. Tabb,
J. P. Chinn,	H. S. McNutt,	E. M. Taylor,
Thos. A. Combs,	L. C. Nell,	G. A. Taylor,
Nat. C. Cureton,	J. W. Newman,	Ed. E. Walker,
J. A. Donaldson,	A. J. Oliver,	J. J. Watkins,
C. B. Ecton,	R. W. Owen,	M. G. Watson,
B. C. Grigsby,	Sam H. Peters,	Geo. Wilhelmi,
O. P. Hogan,	E. K. Renaker,	J. W. Wright,
R. L. Hubble,	Frank Rives,	G. T. Wyatt.—36

In the House of Representatives—

A. A. Allphin,
Robert H. Anderson,
O. P. Applegate,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
John Feland,
Thos. E. Finley,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Virgil McKnight,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Garfield Moore,
Chris. Mueller,
J. F. Nichols,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford,
W. J. Gooch—87

The reading of the journals of yesterday of both Houses, pertaining to the proceedings had in the joint Assembly, was dispensed with.

The joint Assembly proceeded, pursuant to law, to take another (the 18th) joint ballot in the selection of a Senator in the Congress of

the United States from the State of Kentucky, as aforesaid, which resulted as follows, viz.:

In the Senate—

Those who voted for J. C. W. Beckham were—

J. P. Chinn,	Conn Linn,	Frank Rives,
Thos. A. Combs,	P. S. Maxwell,	W. W. Tabb,
J. A. Donaldson,	J. W. Newman,	E. M. Taylor,
C. B. Ecton,	R. W. Owen,	J. J. Watkins,
O. P. Hogan,	Sam H. Peters,	M. G. Watson,
R. L. Hubble,	E. K. Renaker,	G. T. Wyatt—18

Those who voted for W. O. Bradley were—

Joe F. Bosworth,	Ben F. Landrum,	Jno. T. Smith,
A. R. Burnam,	L. C. Nell,	G. A. Taylor,
Nat. C. Cureton,	A. J. Oliver,	Ed. E. Walker,
B. C. Grigsby,	Benjamin Sewell,	Geo. Wilhelmi,
G. T. Jarvis,	Hillard H. Smith,	J. W. Wright,—15

Those who voted for J. C. S. Blackburn were—

J. Wheeler Campbell,

Those who voted for J. Wheeler Campbell were—

Albert H. Charlton,	H. S. McNutt,

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

A. A. Allphin,	F. M. Hutcheson, Jr.	Robert C. Simmons,
Robert H. Anderson,	J. H. Jackson,	John L. Smith,
J. W. Berkshire,	W. J. Jackson,	John S. Steers,

P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
J. Will Clay,
Dr. C. F. Crecilius,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
W. W. Hopkins,
R. Dillard Hunter,
Hugh Mahin,
W. C. McChord,
Duncan Milliken,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
H. A. Schoberth,
W. H. Shanks,
J. A. Sullivan,
J. B. Swann,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson,
J. Hal. Woodford
Speaker Gooch—41

Those who voted for W. O. Bradley were—

O. P. Applegate,
F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
H. K. Cole,
W. A. Cope,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
J. A. Duff,
John Feland,
Thos. E. Finley,
R. L. Gwathmey,
C. W. G. Hannah,
R. L. Harris,
R. F. Hutchinson,
W. Harrison Isaacs
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
Emanuel Meyer,
H. L. Myers,
Garfield Moore,
G. W. Parrott,
C C. Patrick,
Samuel J. Patrick,
G. L. Perryman,
R. S. Rector,
Isaac G. Rice,
John T. Shanklin,
J. A. Sloan,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
D. P. Taggart,
J. P. Wallace,
W. C. Wynn,—43

Those who voted for John R. Allen were—

W. F. Klair,

Those who voted for J. Wheeler Campbell were—

E. W. Lillard,
Virgil McKnight,
Chris. Mueller,

In summing up the vote of the joint Assembly, it was found to stand thus:

For J. C. W. Beckham	59 votes.
For William O. Bradley	58 votes.
For J. Wheeler Campbell	5 votes.
For J. C. S. Blackburn	1 vote.
For John R. Allen	1 vote.
Total number of votes cast	124

It appearing that no one person has received a majority of all the votes cast, a majority of all persons elected to both Houses of the General Assembly being present and voting, the Speaker above named declared that no election was had.

The following pairs were announced:

Senator Brown with Senator Vice. Mr. Brown, if present, would vote for Mr. Beckham, and Mr. Vice, if present, would vote for Mr. Bradley.

Mr. Arnett with Mr. Chase. Mr. Arnett, if present, would vote for Mr. Beckham, and Mr. Chase, if present, would vote for Mr. Bradley.

Mr. Beard with Mr. Weitkamp. Mr. Beard, if present, would vote for Mr. Beckham, and Mr. Weitkamp, if present, would vote for Mr. Bradley.

Mr. Tandy with Mr. Givan. Mr. Tandy, if present, would vote for Mr. Beckham, and Mr. Givan, if present, would vote for Mr. Bradley.

Mr. Graves with Mr. Haswell. Mr. Graves, if present, would vote for Mr. Beckham, and Mr. Haswell, if present, would vote for Mr. Bradley.

Mr. Richardson with Mr. T. C. Jackson. Mr. Richardson, if

present, would vote for Mr. Beckham, and Mr. Jackson, if present, would vote for Mr. Bradley.

Mr. Stump with Mr. Cornett. Mr. Stump, if present, would vote for Mr. Beckham, and Mr. Cornett, if present, would vote for Mr. Bradley.

Mr. Mueller moved that the joint Assembly do now dissolve.

Said motion was agreed to.

The Senators retired and the Speaker called the House to order.

Mr. Wilson moved that when the House adjourn to-day it be to meet at 3 o'clock this afternoon for the purpose of proceeding with the call of the committees for reports.

Mr. Klair moved to amend said motion as follows, that when the House adjourn, it be to meet at 10:10 o'clock to-morrow morning.

The question was taken upon Mr. Klair's amendment, and two-thirds of the members present and voting failing to vote in the affirmative, the Speaker decided that said motion was disagreed to.

The yeas and nays being required on said motion by Messrs. Wilson and Milliken, were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson,	F. M. Hutcheson, Jr.	Chris. Mueller,
O. P. Applegate,	R. F. Hutchinson,	C. C. Patrick,
Louis W. Arnett,	W. Harrison Isaacs,	Samuel J. Patrick,
F. Pierce Blair,	T. C. Jackson,	G. L. Perryman,
Albert Butler,	W. H. Jones,	R. S. Rector,
J. Will Clay,	W. F. Klair,	Isaac G. Rice,
W. A. Cope,	W. L. Kimbrough,	Robert C. Simmons,
Denver B. Cornett,	Cleves G. Kinkead,	J. A. Sloan,
John T. Davis,	A. T. Knox,	Sawyer A. Smith,
W. A. B. Davis,	A. T. Lee,	R. E. Stewart,

Henry H. Denham,	Robert L. Harris,	Garfield Moore,
Wm. E. Dowling,	E. W. Lillard,	W. H. Strange,
Thurman B. Dixon,	Jasper D. Lowder,	J. A. Sullivan,
J. A. Duff,	Hugh Mahin,	D. P. Taggart,
John Feland,	Wm. S. Markolf,	John P. Wallace,
S. L. Givan,	J. B. Maynard,	W. C. Wynn,
R. L. Gwathmey,	Emanuel Meyer,	J. Hal. Woodford,
C. W. G. Hannah,	H. L. Myers,	--54

Those who voted in the negative were—

A. A. Allphin,	W. W. Hopkins,	G. T. Reynolds,
Elliott B. Beard,	R. Dillard Hunter,	H. A. Schoberth,
J. W. Berkshire,	J. H. Jackson,	W. H. Shanks,
P. W. Berkshire,	W. J. Jackson,	John L. Smith,
O. Houston Brooks,	W. C. McChord,	John S. Steers,
Frank J. Brown,	Duncan Milliken,	J. B. Swann,
J. T. Buford,	Jesse F. Nichols,	C. S. Templeman,
H. K. Cole,	A. J. Oliver,	Wm. M. Thompson,
Dr. C. F. Crecilius,	G. W. Parrott,	Geo. C. Waggoner,
W. F. Edmunds,	W. V. Perry,	E. E. Wash,
Robert Enlow,	John C. Pirtle,	W. R. Whitlow,
Thos. E. Finley,	J. F. Porter,	Geo. S. Wilson,—36

Mr. Klair asked to appeal from the decision of the chair.

Pending preparation of said appeal, the hour of 1:30 o'clock P. M. having arrived, the House, under the rules, stood adjourned.

FRIDAY, FEBRUARY 14, 1908.

The House was opened with prayer by the Rev. Father T. M. Major, of the Roman Catholic Church.

The reading of the journal of yesterday's proceedings was dispensed with.

Mr. Klair, by unanimous consent, withdrew his appeal which is pending as the unfinished business of yesterday.

Mr. Klair offered the following resolution, viz.:

Resolved, that rule 2 of the House be amended by striking therefrom the word "and" in the seventh line and inserting in lieu thereof a comma, and by adding at the end of said rule the following: "and fix the time to which it will adjourn." So that said rule as amended will read as follows:

Rule 2. The standing hour of meeting each day shall be ten o'clock A. M., standard time, and the standing adjournment shall be be 1:30 o'clock P. M., except on Monday, when the hour of meeting shall be twelve o'clock, meridian, and the hour of adjournment 2 P. M. Provided, however, that a majority of the House may elect to hold extra sessions at any time, extend the sitting of any session to any time within their discretion, and fix the time to which it will adjourn.

Which proposed amendment to the rules was agreed to.

Mr. Steers, of the Committee on Enrollments, reported that they had examined and found correctly enrolled bills of the following titles:

S. B. 11. An act to provide the Senate and House of Representatives with messengers and stenographers or copyists during the present session of the General Assembly.

S. B. 12. An act to provide a stenographer for the use of the Governor of the Commonwealth of Kentucky.

Thereupon all other business was suspended and said bills were severally read at length and compared in open session. And being found correctly enrolled the Speaker in open session in the presence of the House affixed his signature thereto.

Ordered, that the Enrolling Clerk deliver the same to the Senate.

After a time the Enrolling Clerk reported that she had discharged that duty.

Mr. Mahin, of the Committee on Agriculture, to which the same had been recommitted, reported a bill, entitled:

H. B. 145. An act to promote and regulate the tobacco industry in Kentucky.

Together with the substitute amendment heretofore proposed thereto by said committee.

Mr. Dixon moved that the further consideration of said bill and amendment be postponed and that the same be made the special order of the day for Wednesday next, the 19th instant, at 11 o'clock A. M.

Said motion was agreed to.

The hour of 12 o'clock, meridian, having arrived, the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided, the members of the Senate of Kentucky appeared and entered upon the floor of the House of Representatives, and in pursuance of a joint rule of the Senate and House of Representatives, Hon. W. J. Gooch, Speaker of the House of Representatives, presided over the joint Assembly. Hon. Conn

Linn, President pro tem of the Senate, took his seat on the left of the Speaker.

The members of the two Houses were convened in joint Assembly.

The reading of the journals of yesterday of both Houses, pertaining to the proceedings had in joint Assembly, was dispensed with.

The joint Assembly proceeded, pursuant to law, to take another (the 19th) joint ballot in the selection of a Senator in the Congress of the United States from the State of Kentucky, as aforesaid, which resulted as follows, viz.:

In the Senate—

Those who voted for J. C. W. Beckham were—

O. P. Hogan,

Those who voted for W. O. Bradley were—

Joe F. Bosworth,

In summing up the vote of the joint Assembly, it was found to stand thus:

For J. C. W. Beckham ----------1 vote.
For William O. Bradley ----------1 vote.

Total number of votes cast----------2

It appearing that there is not a quorum of the joint Assembly present and voting, the Speaker declared that no election was had.

Mr. Hogan moved that the joint Assembly do now dissolve.

Said motion was agreed to.

The Senators retired and the Speaker called the House to order.

Mr. Woodford moved that the House do now adjourn until Monday next, the 17th instant.

Said motion was agreed to.

And then the House adjourned.

SATURDAY, FEBRUARY 15, 1908.

James E. Stone, Chief Clerk of the House, produced and read the following communication, viz.:

Frankfort, Ky., February 17, 1908.

James E. Stone,

Chief Clerk of the House.

Dear Sir:—

I hereby designate Hon. George S. Wilson, of Union county, to act as Speaker pro tem. of the House for today.

Very respectfully,

W. J. GOOCH.

At 12 o'clock, meridian, the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided, the members of the Senate of Kentucky

appeared and entered upon the floor of the House of Representatives, and in pursuance of a joint rule of the Senate and House of Representatives, Hon. Geo. S. Wilson, Speaker pro tem of the House of Representatives, presided over the joint Assembly.

The members of the two Houses were convened in joint Assembly.

The joint Assembly proceeded, pursuant to law, to take another (the 20th) joint ballot in the selection of a Senator in the Congress of the United States from the State of Kentucky, as aforesaid, which resulted as follows, viz.:

In the Senate—

Those who voted for J. C. W. Beckham were—

W. W. Tabb,

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

J. T. Buford, W. H. Shanks,

In summing up the vote of the joint Assembly, it was found to stand thus:

For J. C. W. Beckham---------- 3 votes.

Total number of votes cast---------- 3

It appearing that there is not a quorum of the joint Assembly present and voting, the Speaker pro tem above named declared that no election was had.

Mr. Shanks moved that the joint Assembly do now dissolve.

Said motion was agreed to.

The following pair was announced:

Mr. Wilson with Mr. Applegate; Mr. Wilson, if voting, would have voted for Mr. Beckham, and Mr. Applegate would have voted for Mr. Bradley.

MONDAY, FEBRUARY 17, 1908.

The House was opened with prayer by Rev. A. B. Chinn, of the Protestant Episcopal Church.

The reading of the journal of the proceedings of Friday, the 14th inst. was dispensed with.

At 12 o'clock, meridian, the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided, the members of the Senate of Kentucky appeared and entered, upon the floor of the House of Representatives, and in pursuance of a joint rule of the Senate and House of Representatives, Hon. W. J. Gooch, Speaker of the House of Representatives, presided over the joint Assembly.

The members of the two Houses were convened in joint Assembly.

The reading of the journals of Friday the 14th inst. of both Houses, pertaining to the proceedings had in the joint Assembly, was dispensed with.

The joint Assembly proceeded, pursuant to law, to take another (the 21st) joint ballot in the selection of a Senator in the Congress of the United States from the State of Kentucky, as aforesaid, which resulted as follows, viz.:

In the Senate—

Those who voted for J. C. W. Beckham were—

P. S. Maxwell,

Those who voted for W. O. Bradley were—

Joe F. Bosworth,

In the House of Representatives—

Those who voted for John R. Allen were

W. F. Klair,

In summing up the vote of the joint Assembly, it was found to stand thus:

For J. C. W. Beckham	1 vote.
For William O. Bradley	1 vote.
For John R. Allen	1 vote.
Total number of votes cast	3

No one person having received a majority of the votes cast and it appearing that there is not a majority of all the members present and voting, the Speaker above named announced that no election was had.

Senator Maxwell moved that the joint Assembly do now dissolve. Said motion was agreed to.

The Senators retired and the Speaker called the House to order.

Mr. Klair moved that a bill entitled:

H. B. 140. An act for the benefit of the three State educational institutions, viz.: State University, Eastern Kentucky State Normal School and Western Kentucky State Normal School, appropriating money for the erection of necessary buildings, furnishing necessary equipment, purchasing necessary grounds, providing additional revenues for the maintenance of each of said institutions, and amending the laws with reference thereto.

Which was heretofore made the special order of the day for Tuesday, the 18th inst. at 10:30 o'clock a. m., be made the special order for Thursday, the 20th inst. at 10:30 o'clock a. m.

Said motion was agreed to.

Mr. Klair moved that a bill entitled:

H. B. 145. An act to promote and regulate the tobacco industry in Kentucky.

Which was heretofore made the special order of the day for Wednesday, the 19th inst. at 11 o'clock a. m., be now made the special order for Friday, the 21st inst. at 11 o'clock a. m.

Said motion was agreed to.

Mr. Sullivan offered the following resolution, viz.:

Whereas, The House has learned with deep sorrow that Hon. Virgil McKnight, an honored, beloved and able member of this body and the Representative from Mason county, departed this life this morning.

Be it therefore resolved:

1st. That the Speaker of this House appoint a committee of ten members, the Speaker to be ex-officio member thereof, to attend the funeral and accompany the remains of Hon. V. M. McKnight to their last resting place.

2d. That a committee of five members be appointed by the Speaker to draw and present to the House appropriate resolutions on the life, character and public services of the deceased.

3rd. That the House do now adjourn in respect to the memory of Virgil M. McKnight until Thursday morning, next, at 11:30 o'clock.

Said resolution was unanimously agreed to.

Prior, however, to the announcement of the result, in accordance with the provision of said resolution, the Speaker announced the following as the committee to attend the funeral of the said deceased member, viz.:

Messrs. Sullivan, Arnett, Klair, W. J. Jackson, Edmunds, Feland, Hannah, Harris, Sloan and Speaker Gooch.

He also announced the following as the committee to prepare and present suitable resolutions on the life, character and public services of the deceased; viz.:

Messrs. Mueller, Lillard, Woodford, Jones and Sawyer A. Smith.

And then the House adjourned until Thursday, the 20th inst. at 11:30 o'clock a. m.

TUESDAY, FEBRUARY 18, 1908.

James E. Stone, Chief Clerk of the House of Representatives, produced and read the following communication, viz.:

Frankfort, Ky., February 18, 1908.

James E. Stone,

Chief Clerk of the House.

I hereby designate James T. Buford, to act as Speaker pro tem for February 18th and 19th and until my return, or until I designate someone elese.

W. J. GOOCH,
Speaker, House of Representatives.

At 12 o'clock, meridian, the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided, the members of the Senate of Kentucky appeared and entered upon the floor of the House of Representatives and in pursuance of a joint rule of the Senate and House of Representatives, Hon. James T. Buford, Speaker pro tem of the House of Representatives, presided over the joint Assembly.

The members of the two Houses were convened in joint Assembly.

The reading of the journals of yesterday of both Houses pertaining to the proceedings had in the joint Assembly, was dispensed with,

The joint Assembly proceeded, pursuant to law, to take another

(the 22nd) joint ballot in the selection of a Senator in the Congress of the United States from the State of Kentucky, as aforesaid, which resulted as follows, viz.:

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

J. T. Buford, J. F. Porter,

In the Senate—

Those who voted for W. O. Bradley were—

Samuel J. Patrick,

In summing up the vote of the joint Assembly, it was found to stand thus:

For J. C. W. Beckham	2 votes.
For William O. Bradley	1 vote.
Total number of votes cast	3

It appearing that there is not a majority of all the members elected to both Houses of the General Assembly present and voting, the Speaker pro tem, above named, announced that no election was had.

Mr. Samuel J. Patrick moved that the joint Assembly do now dissolve.

Said motion was agreed to.

WEDNESDAY, FEBRUARY 19, 1908.

At 12 o'clock, meridian, the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided, the members of the Senate of Kentucky appeared and entered upon the floor of the House of Representatives and in pursuance of a joint rule of the Senate and House of Representatives, Hon. James T. Buford, Speaker pro tem of the House of Representatives, presided over the joint Assembly.

The members of the two Houses were convened in joint Assembly.

The reading of the journals of yesterday of both Houses pertaining to the proceedings had in joint Assembly, was dispensed with.

The joint Assembly proceeded, pursuant to law, to take another (the 23rd) joint ballot in the selection of a Senator in the Congress of the United States from the State of Kentucky, as aforesaid, which resulted as follows, viz.:

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

J. T. Buford, J. F. Porter,

Those who voted for W. O. Bradley were—

Cleves G. Kinkead,

In summing up the vote of the joint Assembly, it was found to stand thus:

For J. C. W. Beckham	2 votes.
For William O. Bradley	1 vote.
Total number of votes cast	3

It appearing that there is not a majority of all the members elected to both Houses of the General Assembly present and voting, the Speaker pro tem, above named, announced that no election was had.

Mr. Porter moved that the joint Assembly do now dissolve.

Said motion was agreed to.

THURSDAY, FEBRUARY 20, 1908.

The House was opened with prayer by Rev. C. R. Hudson, of the Christian Church.

The reading of the journal of the proceedings of Monday last was dispensed with.

A message was received from the Senate announcing that they had passed bills of the following titles, viz.:

1. S. B. 23. An act appropriating the sum of four hundred ($400) dollars to be applied to the repairs and cleaning of the monument of Zachary Taylor in a cemetery in Jefferson county and also one hundred ($100) dollars annually to keep the grave yard in good condition.

2. S. B. 66. An act appropriating money for the erection of buildings upon the State Fair Grounds.

3. S. B. 155. An act to appropriate $50,000 for the purpose of purchasing a site and building an executive mansion and to provide for lighting and heating the same

Said bills were ordered to be printed and referred:

First, to the Committee on Monument and Historical Records.

Second, to the Committee on State Fair.

Third, to the Committee on State Capitol.

The Speaker laid before the House the following proclamation, viz.:

The Commonwealth of Kentucky.

To the Sheriff of Mason county, Kentucky.

WHEREAS: Virgil McKnight, Representative from the 87th Legislative District of Kentucky died during the present session of the General Assembly on the 17th day of February, 1908, thereby causing a vacancy in the office of Representative in said Legislative District.

NOW THEREFORE, by virtue of the power and authority vested in me as presiding officer of the House of Representatives of the General Assembly of the Commonwealth of Kentucky, an election is hereby called and ordered to be held in Mason county, Kentucky, which constitutes said Legislative District No. 87, on the 7th day of March, 1908, and in the various voting precincts of said county and district for the purpose of electing a Representative in the House of Representatives from said district to fill out the said unexpired term of Virgil McKnight.

You are therefore commanded to open a poll at the various voting precincts in said Legislative Districts and cause an election to

be held in said district as provided by law to fill said vacancy. To that end you are ordered to give notice of such election by advertisements posted at the court house door of Mason county and the several voting places in said district and county and publish in a newspaper printed in said county for not less than fifteen days before said election and you will in all respects discharge all such other duties concerning the holding of said special election as is required by law.

IN TESTIMONY WHEREOF witness my signature as presiding officer of the House of Representatives of the General Assembly of the Commonwealth of Kentucky, this the 20th day of February, 1908

W. J. GOOCH.

Speaker and Presiding Officer of the House of Representatives.

ATTEST:

JAMES E. STONE, Chief Clerk,

House of Representatives.

Which was read, ordered to be spread upon the journal and certified to the sheriff of Mason county.

The House took up for consideration the special order of the day, to-wit:

H. B. 140. An act for the benefit of the three State Educational Institutions, viz.: State University, Eastern Kentucky State Normal School and Western Kentucky State Normal School, appropriating money for the erection of necessary buildings, furnishing necessary equipment, purchasing necessary grounds, providing additional revenues for the maintenance of each of said institutions and amending the laws with reference thereto.

Mr. Klair moved that the consideration of said bill be continued and the same be made the special order for 10:30 o'clock each day

and from day to day and from hour to hour until the same is disposed of.

Mr. Hannah moved as an amendment to said motion that said bill be made the special order of the day for next Tuesday, the 25th inst., at 11 o'clock a. m.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Hannah and Dixon, were as follows, viz.:

Those who voted in the affirmative were—

O. P. Applegate,	John Feland,	H. L. Myers,
F. Pierce Blair,	Thos. E. Finley,	Garfield Moore,
W. N. Brown, Jr.	S. L. Givan,	A. C. Oliver,
Albert Butler,	C. W. G. Hannah,	G. L. Perryman,
C. C. Chase,	Robert L. Harris,	John C. Pirtle,
J. Will Clay,	R. F. Hutchinson,	Isaac G. Rice,
W. A. Cope,	T. C. Jackson,	John T. Shanklin,
John T. Davis,	W. L. Kimbrough,	Sawyer A. Smith,
W. A. B. Davis,	A. T. Knox,	R. E. Stewart,
Henry H. Denham,	A. T. Lee,	W. H. Strange,
Thurman B. Dixon,	Jasper D. Lowder,	J. B. Swann,
J. A. Duff,	Wm. S. Markolf,	D. P. Taggart,
Robert Enlow,	J. B. Maynard,	John P. Wallace,—39

Those who voted in the negative were—

A. A. Allphin,	W. Harrison Isaacs,	G. T. Reynolds,
Robert H. Anderson,	W. J. Jackson,	H. A Schoberth,
Louis W. Arnett,	J. H. Jackson,	W. H. Shanks,
Elliott B. Beard,	W. H. Jones,	Robert C. Simmons,
J. W. Berkshire,	Cleves G. Kinkead,	John L. Smith,
P. W. Berkshire,	W. F. Klair,	John S. Steers,
O. Houston Brooks,	E. W. Lillard,	J. A. Sullivan,
Frank J. Brown,	W. C. McChord,	Eugene W. Tandy,
J. T. Buford,	Emanuel Meyer,	C. S. Templeman,

H. K. Cole,	Duncan Milliken,	Wm. M. Thompson,
Denver B. Cornett,	Chris. Mueller,	Geo. C. Waggoner,
Dr. C. F. Crecelius,	Jesse F. Nichols,	E. E. Wash,
Wm. E. Dowling,	C. C. Patrick,	Harry Weitkamp,
W. F. Edmunds,	Samuel J. Patrick,	W. R. Whitlow,
F. E. Graves,	W. V. Perry,	W. C. Wynn,
John P. Haswell, Jr.	J. F. Porter,	Geo. S. Wilson,
R. Dillard Hunter,	R. S. Rector,	J. Hal. Woodford-52
F. M. Hutcheson, Jr.		

Mr. Klair's motion was then agreed to.

Pending the consideration of said bill.

The hour of 12 o'clock, meridian, having arrived, the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress the law of Kentucky in such matter made and provided, the members of the Senate of Kentucky appeared and entered upon the floor of the House of Representatives, and in pursuance of a joint rule of the Senate and House of Representatives, Hon. W. J. Gooch, Speaker of the House of Representatives, presided over the joint Assembly. Hon. W. H. Cox, Lieutenant Governor, and President of the Senate, took his seat on the left of the Speaker.

The members of the two Houses were convened in joint Assembly, the same being composed of a majority of all the members elected to both Houses. The roll was called and the following Senators and Representatives answered to their names, viz.:

In the Senate—

E. B. Brown,	Conn Linn,	Benjamin Sewell,
A. R. Burnam,	P. S. Maxwell,	John T. Smith,

J. Wheeler Campbell,
Albert H. Charlton,
J. P. Chinn,
Nat: C. Cureton,
J. A. Donaldson,
O. P. Hogan,
R. L. Hubble,
G. T. Jarvis,
Ben F. Landrum,
H. S. McNutt,
L. C. Nell,
J. W. Newman,
A. J. Oliver,
R. W. Owen,
Sam H. Peters,
E. K. Renaker,
Frank Rives,
E. M. Taylor,
G. A. Taylor,
John L. Vice,
Ed. E. Walker,
J. J. Watkins,
M. G. Watson,
Geo. Wilhelmi,
G. T. Wyatt—31

In the House of Representatives—

A. A. Allphin,
Robert H. Anderson,
O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
John Feland,
F. E. Graves,
C. W. G. Hannah,
Robert L. Harris,
J. P. Haswell, Jr.
F. M. Hutcheson, Jr.
R. F. Hutchinson,
J. H. Jackson,
W. T. Jackson,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Liliard,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Garfield Moore,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
Isaac G. Rice,
H. A Schoberth,
W. H. Shanks,
John T. Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash.
W. R. Whitlow,
W. C. Wynn,

Thos. E. Finley,	C. C. Patrick,	J. Hal. Woodford,
S. L. Givan,	Samuel J. Patrick,	Speaker Gooch—87

The journals of yesterday of both Houses, pertaining to the proceedings had in joint Assembly, were read and approved.

It appearing upon reading of the Journals aforesaid that no one person had received a majority of all the votes of said joint Assembly, a majority of all the members elected to both Houses being present and voting, the joint Assembly proceeded, pursuant to law, to take another (the 24th) joint ballot in the selection of a Senator in the Congress of the United States from the State of Kentucky, as aforesaid, which resulted as follows, viz.:

In the Senate—

Those who voted for J. C. W. Beckham were—

R. B. Brown,	P. S. Maxwell,	Frank Rives,
J. P. Chinn,	J. W. Newman,	E. M. Taylor,
J. A. Donaldson,	R. W. Owen,	J. J. Watkins,
O. P. Hogan,	Sam H. Peters,	M. G. Watson,
R. L. Hubble,	E. K. Renaker,	G. T. Wyatt—16
Conn Linn,		

Those who voted for Wm. O. Bradley were—

A. R. Burnam,	L. C. Nell,	G. A. Taylor,
Nat. C. Cureton,	A. J. Oliver,	John L. Vice,
G. T. Jarvis,	Benjamin Sewell,	Ed. E. Walker,
Ben F. Landrum,	Jno. T. Smith,	Geo. Wilhelmi—12

Those who voted for J. C. S. Blackburn were—

J. Wheeler Campbell,

Those who voted for J. Wheeler Campbell were—

Albert H. Charlton	H. S. McNutt,

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

A. A. Allphin,
Robert H. Anderson,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
J. Will Clay,
Dr. C. F. Crecelius,
Wm. E. Dowling,
W. F. Edmunds,
Rboert Enlow,
F. E. Graves,
F. M. Hutcheson, Jr.
J. H. Jackson,
W. J. Jackson,
W. C. McChord,
Duncan Milliken,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
H. A. Schoberth,
W. H. Shanks,
Robert C. Simmons,
John L. Smith,
John S. Steers,
J. A. Sullivan,
J. B. Swann,
Eugene Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. S. Waggoner,
E. E. Wash,
W. R. Whitlow,
J. Hal. Woodford,
Speaker Gooch—41

Those who voted for W. O. Bradley were—

O. P. Applegate,
F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
C. C. Chase,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
John T. Davis,
W. A. B. Davis,
Thurman B. Dixon,
J. A. Duff,
John Feland,
Thos. E. Finley,
S. L. Givan,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.
R. F. Hutchinson,
T. C. Jackson,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
Emanuel Meyer,
H. L. Myers,
Garfield Moore,
C. C. Patrick,
Samuel J. Patrick,
G. L. Perryman,
R. S. Rector,
Isaac G. Rice,
John T. Shanklin,
J. A. Sloan,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
D. P. Taggart,
John P. Wallace,
W. C. Wynn,—44

Those who voted for J. R. Allen were—

W. F. Klair,

Those who voted for J. Wheeler Campbell were—

E. W. Lillard, Chris. Mueller,

In summing up the vote of the joint Assembly, it was found to stand thus:

In summing up the vote of the joint Assembly, it was found to stand thus:

For J. C. W. Beckham	57 votes.
For William O. Bradley	56 votes.
For J. Wheeler Campbell	4 votes.
For John R. Allen	1 vote.
For J. C. S. Blackburn	1 vote
Total number of votes cast	119

No one person having received a majority of all the votes cast, a majority of all members elected to both Houses being present and voting, the Speaker aforesaid announced that no election was had.

The following pairs were announced:

Senator Ecton with Senator Bosworth; Mr. Ecton, if present, would vote for Mr. Beckham, and Mr. Bosworth, if present, would vote for Mr. Bradley.

Senator Combs with Senator H. H. Smith; Mr. Combs, if present, would vote for Mr. Beckham, and Mr. Smith, if present, would vote for Mr. Bradley.

Senator Tabb with Senator Wright; Mr. Tabb, if present, would vote for Mr. Beckham, and Mr. Wright, if present, would vote for Mr. Bradley.

Senator Grigsby with Mr. Hunter; Mr. Grigsby, if present, would

vote for Mr. Bradley, and Mr. Hunter, if present, would vote for Mr. Beckham.

Mr. Mahin with Mr. Denham; Mr. Mahin, if present, would vote for Mr. Beckham, and Mr. Denham, if present, would vote for Mr. Bradley.

Mr. Wilson with Mr. Gwathmey; Mr. Wilson, if present, would vote for Mr. Beckham, and Mr. Gwathmey, if present, would vote for Mr. Bradley.

Mr. Hopkins with Mr. Isaacs; Mr. Hopkins, if present, would vote for Mr. Beckham, and Mr. Isaacs, if present, would vote for Mr. Bradley.

Mr. Stump with Mr. Parrott; Mr. Stump, if present, would vote for Mr. Beckham, and Mr. Parrott, if present, would vote for Mr. Bradley.

Mr. Richardson with Mr. Weitkamp; Mr. Richardson, if present, would vote for Mr. Beckham, and Mr. Weitkamp, if present, would vote for Mr. Bradley.

Mr. Mueller moved that the joint Assembly do now dissolve. Said motion was agreed to.

The Senators retired and the Speaker called the House to order.

The House then resumed the consideration of a bill entitled:

H. B. 140. (See title in journal of today.)

Pending the consideration of said bill.

Mr. Wilson moved that when the House adjourn it be to meet again at three o'clock this afternoon.

Mr. Klair moved to amend said motion that the House do now adjourn until 10:10 o'clock tomorrow morning.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Klair and Hannah, were as follows, viz.:

Those who voted in the affirmative were—

Louis W. Arnett,	C. W. G. Hannah,	Emanuel Meyer,
W. N. Brown, Jr.	Robert L. Harris,	H. L. Myers,
Albert Butler,	F. M. Hutcheson, Jr.	Garfield Moore,
C. C. Chase,	R. F. Hutchinson,	Chris. Mueller,
J. Will Clay,	T. C. Jackson,	Samuel J. Patrick,
W. A. Cope,	W. F. Klair,	Isaac G. Rice,
John T. Davis,	W. L. Kimbrough,	J. A. Sloan,
W. A. B. Davis,	Cleves G. Kinkead,	Sawyer A. Smith,
Henry H. Denham,	A. T. Knox,	R. E. Stewart,
Thurman B. Dixon,	A. T. Lee,	W. H. Strange,
Wm. E. Dowling,	E. W. Lillard,	John P. Wallace,
J. A. Duff,	Wm. S. Markolf,	W. C. Wynn,
John Feland,	J. B. Maynard,	J. Hal. Woodford 39

Those who voted in the negative were—

A. A. Allphin,	R. Dillard Hunter,	G. T. Reynolds,
Robt. H. Anderson,	W. Harrison Isaacs,	H. A. Schoberth,
J. W. Berkshire,	J. H. Jackson,	W. H. Shanks,
P. W. Berkshire,	W. J. Jackson,	John T. Shanklin,
F. Pierce Blair,	W. H. Jones,	Robert C. Simmons,
O. Houston Brooks,	Hugh Mahin,	John L. Smith,
Frank J. Brown,	W. C. McChord,	John S. Steers,
J. T. Buford,	Duncan Milliken,	J. A. Sullivan,
H. K. Cole,	Jesse F. Nichols,	J. B. Swann,
Dr. C. F. Crecelius,	A. C. Oliver,	Eugene W. Tandy,
W. F. Edmunds,	C. C. Patrick,	C. S. Templeman,
Robert Enlow,	W. V. Perry,	Wm. M. Thompson,
Thos. E. Finley,	G. L. Perryman,	Geo. S. Waggoner,
S. L. Givan,	John C. Pirtle,	E. E. Wash,
John P. Haswell, Jr.	J. F. Porter,	W. R. Whitlow,
F. E. Graves,	R. S. Rector,	Geo. S. Wilson.—49
John P. Haswell, Jr.,		

The hour of 1:30 o'clock p. m. having arrived, the House stood adjourned.

FRIDAY, FEBRUARY 21, 1908.

The House was opened with prayer by the Rev. A. B. Chinn, of the Protestant Episcopal Church.

The reading of the journal of the proceedings of yesterday was dispensed with.

By unanimous consent Mr. Dowling, of the Committee on Kentucky Statutes, to which had been referred a bill entitled:

S. B. 38. An act relating to bonds of public officials and other bonds required by law.

Moved that said bill be transferred from the Committee on Kentucky Statutes to the Committee on Judiciary.

Said motion was agreed to.

The House then took up for consideration the unfinished business from yesterday, to-wit: a bill entitled:

H. B. 140. An act for the benefit of the three State Educational Institutions, viz.: State University, Eastern Kentucky State Normal School, and Western Kentucky State Normal School, appropriating money for the erection of necessary buildings, furnishing necessary equipment, purchasing grounds, providing additional revenues for the maintenance of each of said institutions, and amending the laws with reference thereto.

Together with the amendments heretofore proposed thereto by the Committee. Said bill reads as follows:

WHEREAS: The educational interest of the State of Kentucky demands that the State University, Lexington, Kentucky, as successor to the Agricultural and Mechanical College, and each of the two State Normal Schools, be furnished with grounds, buildings and other necessary equipment, so as to enable each to do the educational work needed by the Commonwealth of Kentucky and of the rank and dignity of corresponding institutions of other States; and

WHEREAS: The financial condition of the State is such that the necessary improvements can be made without materially impairing the revenues thereof: therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of Two Hundred Thousand Dollars, or as much as may be necessary thereof, be and the same is hereby appropriated for the benefit of the State University, Lexington, Kentucky, for the purpose of paying the outstanding indebtedness heretofore incurred for the erection of necessary buildings and equipment of same on the grounds owned by the said institution, and for the erection and equipment of a suitable building for the department of Mining Engineering, Civil Engineering and Physics; also for the erection and equipment of a necessary addition to the Chemical Building; also for the erection and equipment of a necessary addition to the Mechanical and Electrical Engineering Building; also for the erection and equipment of a new dormitory for the accommodation of the male students of said institution.

All of said buildings shall be erected upon the grounds owned by said institution, or upon such grounds as may be acquired by purchase by the Board of Trustees of said Institution.

If, in the judgment of the said Board of Trustees, the purchase of additional grounds may be necessary for the accommodation of the new buildings herein contemplated, or for the proper conducting of said Institution, they may make such necessary purchase and pay for same out of the money herein appropriated. The title to such real estate shall be made and held by the Commonwealth of Kentucky for the use and benefit of said Institution. The said Board of Trustees is vested with a sound discretion as to the order of construction and as to the location of the improvements herein set forth. or in giving preference to such other improvements as will best promote the interests of the Institution, provided that the total expenditures shall not exceed the amount herein appropriated.

The said Board of Trustees shall appoint a competent architect or architects to prepare, under their direction, plans and specifications for the buildings aforesaid, and shall contract with responsible parties for the erection and equipment of same. All contracts under this act, for material and labor, or for the erection of any and all buildings and improvements, and for the equipment for the same for the purposes mentioned in this act, shall be let to the lowest and best bidder, after the same is duly advertised by notice, for ten consecutive days, in a daily newspaper published in the City of Lexington, Kentucky, having the largest circulation, or for four consecutive weeks in the weekly paper published in said city, which, in the judgment of the said Board of Trustees, has the largest circulation.

The successful bidder or bidders in each case shall enter into bond to the Commonwealth of Kentucky for the benefit of said University in a sum not less than 25 per cent of the contract sum or price for the completion of the work in the manner and within the time set out in the contract or contracts, and manner and time shall be fully and in detail set out in said contract.

The money hereby appropriated shall be paid to the Treasurer of said University from time to time, as the improvements contem-

plated in this act may require, and it shall be the duty of the Auditor of Public Accounts to draw his warrant or warrants upon the Treasurer of the State in favor of the Treasurer of said University for an amount or amounts as the said Treasurer of said University may certify to him from time to time, is necessary and needed in carrying out the provisions of this act.

Said Board of Trustees shall submit to the next regular session of the General Assembly, an itemized account and statement of the expenditures made for the purpose herein named, which account and statement shall be properly certified and audited, and if any of the funds hereby appropriated remain unexpended after the additions and improvements to said University herein authorized have been made, the same shall be returned to the State Treasurer by the said Board of Trustees.

That the Normal Department of said University, as it now exists, be eliminated, and that there be established instead thereof a Department of Education in said University with collegiate rank leading to the usual degrees in pedigogy as maintained in other similar State Institutions. That degrees of Bachelor of Arts in Education, and Bachelor of Science in Education conferred in this Department, shall, with the approval of the State Superintendent of Public Instruction, entitle the holder thereof to the privilege of teaching in the common schools and high schools of the Commonwealth without further examination, during life and good behavior. The diplomas granting degrees may be revoked for cause by the said Board of Trustees or by the State Superintendent of Public Instruction.

The Board of Trustees shall have power and authority subject to the approval of the State Superintendent of Public Instructions, to confer, under its corporate seal, upon students of said departments, the following certificates:

One, an elementary certificate upon the completion of one year's

work, which shall entitle the holder thereof to teach in any public school in this State for the period of two years from the date thereof, without further examination.

Two, an intermediate certificate upon the completion of two year's work, which shall entitle the holder thereof to teach in any public school of this State for a period of four years from the date thereof without further examination.

Three, an advanced certificate upon the completion of three year's work, which shall entitle the holder thereof to teach in any public school of this State for a period of three years from the date thereof without further examination, and if at the end of three years, a teacher holding an advanced certificate shall present to the Board of Trustees, which granted the same, satisfactory evidence of successful teaching during said period and of good moral character, then the advanced certificate may be extended for life and of good behavior by said Board, subject however to the approval of the State Superintendent of Public Instruction; and it shall so be endorsed by the said Board, and the holder thereof shall be entitled to teach in any public school in this State during good behavior, without further examination.

The official endorsement of the State Superintendent of Public Instruction shall be necessary to validate any of the said three certificates or extension thereof above named. Any certificate may be revoked for cause by said Board of Trustees, or by the State Superintendent of Public Instruction.

Any County Superintendent may, for his county, revoke a certificate for cause, subject to appeal to the State Superintendent of Public Instruction.

That from and after two years from this date, all sub-freshmen work shall be eliminated as a part of the University curriculum, the same to be brought about as rapidly as conditions now existing, and

that may be created by legislation hereafter, may permit, without violating any existing obligation to appointees in said sub-freshmen classes.

§ 2. That the sum of One Hundred and Fifty Thousand Dollars, or so much as may be necessary thereof, be and the same is hereby appropriated for the benefit of the Eastern Normal School, Richmond, Kentucky, for the erection and equipment of a suitable dormitory for the accomodation of the male students; also for the erection and equipment of an addition to the dormitory for the accommodation of the female students; also for the erection and equipment of a model school building; also for the erection and equipment of a practice school building; also for the erection and equipment of an Administration Building; also for the erection and equipment of a central heating plant, and also for the necessary repair and equipment of the present buildings of said institution.

All of the said buildings shall be erected upon the grounds owned by said institution, or upon grounds that may be acquired by purchase of the Board of Regents of said Institution.

If, in the judgment of the said Board of Regents, the purchase of additional grounds may be necessary for the accommodation of the new buildings herein contemplated, or for the proper conducting of said school, they may make such necessary purchase and pay for the same out of the money herein appropriated. The title to such real estate shall be made and held by the Commonwealth of Kentucky for the use and benefit of said school.

The said Board of Regents is vested with a sound discretion as to the order of construction, and as to the location of the improvements herein set forth, or in giving preference to such other improvements as will best promote the interests of the school; provided the total expenditure shall not exceed the amount herein appropriated.

The said Board of Regents shall appoint a competent architect or

architects to prepare under their direction, plans and specifications for the buildings aforesaid, and shall contract with responsible parties for the erection and equipment of same.

All contracts under this for material and labor, or for the erection of any and all buildings and improvements and for the equipment for the same for the purpose mentioned in this act, shall be let to the lowest and best bidder, after the same is duly advertised by notice, for at least one month in a weekly or semi-weekly newspaper, published in the City of Richmond, Kentucky, which, in the judgment of the said Board of Regents has the largest circulation.

The successful bidder or bidders in each case, shall enter into bond to the Commonwealth of Kentucky for the benefit of said Normal School in a sum not less than 25 per cent of the contract price or sum for the completion of the work in the manner and within the time set out in the contract or contracts. The manner and time shall be fully and in detail set out in said contract.

The money hereby appropriated shall be paid to the Treasurer of the said Normal School from time to time, as the improvements contemplated in this act may require, and it shall be the duty of the Auditor of Public Accounts to draw his warrant or warrants upon the Treasurer of the State in favor of the Treasurer of said Normal School for an amount or amounts as the said Treasurer of said Normal School may certify to him from time to time, is necessary and needed in carrying out the provisions of this act.

The said Board of Regents shall submit to the next regular session of the General Assembly an itemized account and statement of the expenditures made for the purposes herein named, which account and statement shall be properly certified and audited; and if any of the funds hereby appropriated remain unexpended after the additions and improvements to said Normal School herein authorized, have been made, the same shall be returned to the State Treasurer by the said Board of Regents.

§ 3. That the sum of One Hundred and Fifty Thousand Dollars, or so much as may be necessary thereof, be and the same is hereby appropriated for the benefit of the Western Normal School, Bowling Green, Kentucky, for the erection and equipment of a suitable dormitory for the accommodation of male students; also for the erection and equipment of a suitable dormitory for the accommodation of female students; also for the erection and equipment of a suitable Science Hall; also for the erection and equipment of buildings for additional class rooms; also for the erection and equipment of a building for library and laboratories; also for the necessary repairs and equipment of the present buildings of said Institution.

All of said buildings shall be erected upon the grounds owned by said Institution, or upon such grounds as may be acquired by purchase by the Board of Regents of said Institution.

If, in the judgment of the said Board of Regents, the purchase of additional grounds may be necessary for the accommodation of the new buildings herein contemplated, or for the proper conducting of said school, they may make such necessary purchase and pay for same out of the money herein appropriated. The title to such real estate shall be made and held by the Commonwealth of Kentucky, for the use and benefit of said school. The said Board of Regents is vested with a sound discretion as to the order of construction and as to the location of the improvements herein set forth, or in giving preference to such other improvements as will best promote the interests of the school, provided that the total expenditure shall not exceed the amount herein appropriated.

The said Board of Regents shall appoint a competent architect or architects to prepare under their direction, plans and specifications for the buildings aforesaid, and shall contract with responsible parties for the erection and equipment of same. All contracts under this, for material and labor, or for the erection of any and all buildings and improvements, and for the equipment for the same for the purposes

mentioned in this act, shall be let to the lowest and best bidder after the same is duly advertised by notice, for ten consecutive days in a daily paper published in the City of Bowling Green, Kentucky, having the largest circulation, or for four consecutive weeks in the weekly paper published in said city, which, in the judgment of the said Board of Regents, has the largest circulation. The successful bidder or bidders in each case shall enter into bond with the Commonwealth of Kentucky for the benefit of said Normal School, in a sum not less than twenty-five per cent of the contract price or sum for the completion of the work in the manner and within the time set out in the contract or contracts, and manner and time shall be fully and in detail set out in said contract.

The money hereby appropriated shall be paid to the Treasurer of said Normal School, from time to time, as the improvements contemplated in the act may require; and it shall be the duty of the Auditor of Public Accounts to draw his warrant or warrants upon the Treasurer of the State in favor of the Treasurer of the said Normal School, for an amount or amounts as the said Treasurer of the said Normal School may certify to him from time to time, is necessary and needed in carrying out the provisions of this act.

The said Board of Regents shall submit to the next regular session of the General Assembly, an itemized account and statement of the expenditures made for the purpose herein named, which account and statement shall be properly certified and audited; and if any of the funds hereby appropriated remain unexpended after additions and improvements to said Normal School herein authorized have been made, the same shall be returned to the State Treasurer by the said Board of Regents.

§ 4. That in order to provide additional income to meet the additional annual expenditures of each of said Institutions respectively, the sum of Twenty-five Thousand Dollars is hereby appropriated for the current fiscal year, and for each succeeding year for

the benefit of the State University and the same is directed to be paid by the Treasurer of the State to the Treasurer of the State University upon warrant or warrants issued by the Auditor of Public Accounts who is hereby directed to draw and issue said warrants for the purpose aforesaid.

That the sum of Twenty-five Thousand Dollars is hereby appropriated for the current fiscal year and for each succeeding year for the benefit of the Eastern Normal School, and the same is directed to be paid by the Treasurer of the State to the Treasurer of the Eastern Normal School upon warrant or warrants issued by the Auditor of Public Accounts, who is hereby directed to draw and issue said warrants for the purpose aforesaid.

That the sum of Thirty Thousand Dollars is hereby appropriated for the current fiscal year and for each succeeding year for the benefit of the Western Normal School, and the same is directed to be paid annually by the Treasurer of the State to the Treasurer of the Western Normal School upon warrant or warrants issued by the Auditor of Public Accounts, who is hereby directed to draw and issue said warrants for the purpose aforesaid.

§ 5 WHEREAS, The appropriation herein made for the benefit of the said three State Educational Institutions are needed immediately for the equipment of each to enable them to accommodate the students, and to give proper instructions, an emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval.

The amendments proposed thereto by the Committee are as follows, viz.:

First. That the last paragraph of Section 1 of said bill be stricken out, the parts so stricken out being as follows:

That from and after two years from this date all sub-freshman

work be eliminated as a part of the University curriculum, the same to be brought about as rapidly as conditions now existing and that may be created by legislation hereafter may permit without violating any existing obligations to appointees in the said sub-freshman class." And in lieu of said portion last quoted and stricken out, the following be inserted, viz.:

That from and after two years from this date all sub-freshman work shall begin to be eliminated as a part of the university curriculum and such elimination shall progress as rapidly as the educational conditions in Kentucky will justify. Provided, however, special courses may be given in any of the departments of the university except that no sub-freshman normal instruction shall be given after September 1, 1908, in any department of the university or academy connected herewith.

Mr. Brooks offered the following amendments to said bill:

First. Amend Section 1 by striking out the words "two hundred" in line 1 and insert in lieu thereof the words "one hundred."

Second. Amend Section 2 by striking out the words "one hundred and fifty" and insert in lieu "seventy-five."

Third. Amend Section 3 by striking out the words "one hundred and fifty" and insert in lieu "seventy-five."

Mr. Hannah offered the following amendments to said bill:

Amend Section 1 by striking from it where they appear therein the words two hundred thousand dollars and insert in lieu thereof the words one hundred and fifty thousand dollars and section two by striking out the words one hundred and fifty thousand dollars and inserting in lieu thereof the words one hundred thousand dollars.

Amend Section 3 by striking from it the words one hundred and fifty thousand dollars and inserting in lieu thereof one hundred thousand dollars.

Mr. Haswell offered the following amendment:

That sections one, two and three of said bill be amended so that the appropriations provided therein for buildings, grounds and equipment for each of said three institutions be due and payable as follows, and this clause be added to each of said sections, viz.:

One-third of said appropriation to each of said institutions shall be due and payable on December 1, 1908, one-third thereof July 1, 1909, and one-third thereof on July 1, 1910.

Pending the consideration of said bill,

At 11 o'clock A. M. the hour of the special order of the day, to-wit: a bill entitled:

H. B. 145. An act to promote and regulate the tobacco industry in Kentucky.

Mr. McChord moved that the consideration of said special order be postponed until the pending bill is disposed of, and that the said bill be continued as a special order of the day from day to day and hour to hour until disposed of.

Said motion was agreed to.

Mr. Shanks moved that to-day's session be extended until the pending bill is disposed of.

Said motion was agreed to.

Mr. Klair moved that the vote by which motion was adopted be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

Pending the consideration of said H. B. 140,

The hour of 12 o'clock, meridian, having arrived, the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United

States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided, the members of the Senate of Kentucky appeared and entered upon the floor of the House of Representatives, and in pursuance of a joint rule of the Senate and House of Representatives, Hon. W. J. Gooch, Speaker of the House of Representatives, presided over the joint Assembly; Hon. W. H. Cox, Lieutenant Governor, and President of the Senate, took his seat on the left of the Speaker.

The members of the two Houses were convened in joint Assembly, the same being composed of a majority of all the members elected to both Houses. The roll was called and the following Senators and Representatives answered to their names, viz.:

In the Senate—

Joe F. Bosworth,	G. T. Jarvis,	Frank Rives,
R. B. Brown,	Ben F. Landrum,	Benjamin Sewell,
A. R. Burnam,	Conn Linn,	Jno. T. Smith,
J. Wheeler Campbell,	P. S. Maxwell,	E. M. Taylor,
Albert H. Charlton,	H. S. McNutt,	G. A. Taylor,
J. P. Chinn,	L. C. Nell,	John L. Vice,
Nat. C. Cureton,	J. W. Newman,	Ed. E. Walker,
J. A. Donaldson,	A. J. Oliver,	J. J. Watkins,
C. B. Ecton,	R. W. Owen,	M. G. Watson,
O. P. Hogan,	Sam H. Peters,	Geo. Wilhelmi,
R. L. Hubble,	E. K. Renaker,	G. T. Wyatt.—33

In the House of Representatives—

A. A. Allphin,	C. W. G. Hannah,	W. V. Perry,
Robt. H. Anderson,	Robert L. Harris,	G. L. Perryman,
O. P. Applegate,	J. P. Haswell, Jr.	John C. Pirtle,
Louis W. Arnett,	R. F. Hutchinson,	J. F. Porter,

Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
F. M. Hutcheson, Jr.
J. H. Jackson,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Garfield Moore,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
C. C. Patrick,
Samuel J. Patrick,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford,
W. J. Gooch —88

The reading of the journals of yesterday of both Houses, pertaining to the proceedings had in the joint Assembly, was dispensed with.

The joint Assembly proceeded, pursuant to law, to take another (the 25th) joint ballot in the selection of a Senator in the Congress of the United States from the State of Kentucky, as aforesaid, which resulted as follows, viz.:

In the Senate—

Those who voted for J. C. W. Beckham were—

R. B. Brown, Conn Linn, Frank Rives,

J. P. Chinn,	P. S. Maxwell,	E. M. Taylor,
J. A. Donaldson,	J. W. Newman,	J. J. Watkins,
C. B. Ecton,	R. W. Owen,	M. G. Watson,
O. P. Hogan,	Sam H. Peters,	G. T. Wyatt—17
R. L. Hubble,	E. K. Renaker,	

Those who voted for W. O. Bradley were—

Joe F. Bosworth,	L. C. Nell,	G. A. Taylor,
A. R. Burnam,	A. J. Oliver,	John L. Vice,
Nat. C. Cureton,	Benjamin Sewell,	Ed. E. Walker,
G. T. Jarvis,	Jno. T. Smith,	Geo. Wilhelmi—13
Ben F. Landrum,		

Those who voted for J. C. S. Blackburn were—

J. Wheeler Campbell.

Those who voted for J. Wheeler Campbell were—

Albert H. Charlton,	H. S. McNutt,

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

A. A. Allphin,	R. Dillard Hunter,	W. H. Shanks,
Robert H. Anderson,	F. M. Hutcheson, Jr.	John L. Smith,
Elliott B. Beard,	J. H. Jackson,	John S. Steers,
J. W. Berkshire,	W. J. Jackson,	J. A. Sullivan,
P. W. Berkshire,	Hugh Mahin,	J. B. Swann,
O. Houston Brooks,	W. C. McChord,	Eugene W. Tandy,
Frank J. Brown,	Duncan Milliken,	C. S. Templeman,
J. T. Buford,	Jesse F. Nichols,	Wm. M. Thompson,
J. Will Clay,	A. C. Oliver,	Geo. C. Waggoner,
Dr. C. F. Crecelius,	W. V. Perry,	E. E. Wash,
Wm. E. Dowling,	John C. Pirtle,	Geo. S. Wilson,
W. F. Edmunds,	J. F. Porter,	J. Hal. Woodford,

Robert Enlow, G. T. Reynolds,
F. E. Graves, H. A Schoberth, W. J. Gooch,—40

Those who voted for W. O. Bradley were—

O. P. Applegate, C. W. G. Hannah, Garfield Moore,
F. Pierce Blair, Robert L. Harris, C. C. Patrick,
W. N. Brown, Jr. John P. Haswell, Jr. Samuel J. Patrick,
Albert Butler, R. F. Hutchinson, G. L. Perryman,
C. C. Chase, T. C. Jackson, R. S. Rector,
H. K. Cole, W. H. Jones, Isaac G. Rice,
W. A. Cope, W. L. Kimbrough, John T. Shanklin,
Denver B. Cornett, Cleves G. Kinkead, J. A. Sloan,
John T. Davis, A. T. Knox, Sawyer A. Smith,
W. A. B. Davis, A. T. Lee, R. E. Stewart,
Henry H. Denham, Jasper D. Lowder, W. H. Strange,
Thurman B. Dixon, Wm. S. Markolf, D. P. Taggart,
J. A. Duff, J. B. Maynard, John P. Wallace,
Thos. E. Finley, Emanuel Meyer, W. C. Wynn—44
S L. Givan, H. L. Myers,

Those who voted for Ollie M. James were—

Louis W. Arnett, E. W. Lillard,

Those who voted for John R. Allen were—

W. F. Klair,

Those who voted for Frank Fehr were—

Chris. Mueller,

In summing up the vote of the joint Assembly, it was found to stand thus:

For J. C. W. Beckham ---------- 57 votes.
For W. O. Bradley ---------- 57 votes.
For J. Wheeler Campbell ---------- 2 votes.
For Ollie M. James ---------- 2 votes.
For J. C. S. Blackburn ---------- 1 vote.
For John R. Allen ---------- 1 vote.
For Frank Fehr ---------- 1 vote.

Total number of votes cast ---------- 121

No one person having received a majority of all the votes cast, a majority of all the members elected to both Houses being present and voting, the Speaker as aforesaid announced that no election was had.

The following pairs were announced:

Senator Combs with Senator H. H. Smith. Mr. Combs, if present, would vote for Mr. Beckham, and Mr. Smith, if present, would vote for Mr. Bradley.

Senator Tabb with Senator Wright. Mr. Tabb, if present, would vote for Mr. Beckham, and Mr. Wright, if present, would vote for Mr. Bradley.

Senator Grigsby with Mr. Hunter. Mr. Grigsby, if present, would vote for Mr. Beckham, and Mr. Hunter, if present, would vote for Mr. Beckham.

Mr. Richardson with Mr. Feland. Mr. Richardson, if present, would vote for Mr. Beckham, and Mr. Feland, if present, would vote for Mr. Bradley.

Mr. Whitlow with Mr. Gwathmey. Mr. Whitlow, if present, would vote for Mr. Beckham, and Mr. Gwathmey, if present, would vote for Mr. Bradley.

Mr. Simmons with Mr. Weitkamp. Mr. Simmons, if present, would vote for Mr. Beckham, and Mr. Weitkamp, if present, would vote for Mr. Bradley.

Mr. Hopkins with Mr. Isaacs. Mr. Hopkins, if present, would vote for Mr. Beckham, and Mr. Isaacs, if present, would vote for Mr. Bradley.

Mr. Stump with Mr. Parrott. Mr. Stump, if present, would vote for Mr. Beckham, and Mr. Parrott, if present, would vote for Mr. Bradley.

Senator Linn moved that the joint Assembly do now dissolve.

Said motion was agreed to.

The Senators retired and the Speaker called the House to order.

The House resumed the further consideration of H. B. 140 (For title and bill, see to-day's Journal ante.)

The amendment proposed to said bill by the Committee, as set out above was agreed to.

By unanimous consent, Mr. Brooks withdrew the amendment offered to said bill, as set out above.

The amendment as proposed by Mr. Hannah to said bill, as set out above, was disagreed to.

The yeas and nays being required thereon by Messrs. Hannah and Brooks, were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson,	Robert Enlow,	H. L. Myers,
P. W. Berkshire,	S. L. Givan,	G. L. Perryman,
F. Pierce Blair,	C. W. G. Hannah,	John C. Pirtle,
O. Houston Brooks,	Robert L. Harris,	J. F. Porter,
W. N. Brown, Jr.	R. F. Hutchinson,	Isaac G. Rice,
Albert Butler,	W. J. Jackson,	R. E. Stewart,

W. A. Cope,
W. A. B. Davis,
Henry H. Denham,
J. A. Duff,
W. F. Edmunds,
W. L. Kimbrough,
A. T. Lee,
Jasper D. Lowder,
J. B. Maynard,
W. H. Strange,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy,
—31

Those who voted in the negative were—

A. A. Allphin,
O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
Frank J. Brown,
J. T. Buford,
C. C. Chase,
J. Will Clay,
H. K. Cole,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
Thurman B. Dixon,
Wm. E. Dowling,
F. E. Graves,
John P. Haswell, Jr.
R. Dillard Hunter,
F. M. Hutcheson, Jr.
W. Harrison Isaacs,
J. H. Jackson,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
Cleves G. Kinkead,
A. T. Knox,
E. W. Lillard,
Wm. S. Markolf,
W. C. McChord,
Emanuel Meyer,
Duncan Milliken,
Garfield Moore,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
R. S. Rector,
G. T. Reynolds,
H. A. Schoberth,
W. H. Shanks,
J. A. Sloan,
John L. Smith,
John S. Steers,
J. A. Sullivan,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson;
J. Hal. Woodford,
—54

Mr. Klair moved that when the House adjourn today it be to meet on Monday next, the 24th inst., at 12 o'clock meridian.

Said motion was agreed to.

The amendment as proposed to the pending bill by Mr. Haswell as set out above was then agreed to.

Ordered, that said bill, as amended, be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and the same being engrossed, it was read the third time by its title, and passed.

The yeas and nays being taken on the passage of the bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
F. Pierce Blair,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
C. C. Chase,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecilius,
John T. Davis,
Thurman B. Dixon,
Wm. E. Dowling,
W. F. Edmunds,
Thos. E. Finley,
F. E. Graves,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.
R. Dillard Hunter,
F. M. Hutcheson, Jr.
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
Cleves G. Kinkead,
A. T. Knox,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Garfield Moore,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
J. A. Sullivan,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,—70

Those who voted in the negative were—

Robt. H. Anderson,
P. W. Berkshire,
J. A. Duff,
Robert Enlow,
J. F. Porter,
W. H. Strange,

O. Houston Brooks,	S. L. Givan,	J. B. Swann,
W. A. B. Davis,	W. L. Kimbrough,	D. P. Taggart,
Albert Butler,	A. T. Lee,	Eugene W. Tandy,
Henry H. Denham,	John C. Pirtle,	—17

Resolved, that the title thereof be as aforesaid.

And then the House adjourned until Monday next.

MONDAY, FEBRUARY 24, 1908.

James E. Stone, Chief Clerk of the House of Representatives, produced and read the following communication:

Frankfort, Ky., February 24, 1908.

James E. Stone,

Chief Clerk of the House.

I hereby designate Hon. J. F. Porter, of Webster county, to act as Speaker pro tem. of the House on this day and on each succeeding day during my absence, or until I shall designate some one else.

W. J. GOOCH,

Speaker of the House.

Thereupon the House was called to order by J. F. Porter, Speaker pro tem., and was opened with prayer by Rev. J. R. Ziegler, of the Presbyterian Church, Northern Assembly.

The reading of the journal of the proceedings of Friday last was dispensed with.

A message was received from the Senate announcing that they had passed bills of the following titles:

1. S. B. 109. An act to amend an act entitled, An act relating to the appointment of police matrons in cities of the first class, approved March 10, 1898, and being Section 2877-a of the Kentucky Statutes.

2. S. B. 214. An act to amend Section 138 of the Kentucky Statutes.

Said bills were ordered printed and referred as follows:

1 to the Committee on Municipalities.

2 to the Committee on Kentucky Statutes.

The hour of 12 o'clock, meridian, having arrived, the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided. The members of the Senate of Kentucky appeared and entered upon the floor of the House of Representatives, and in pursuance of a joint rule of the Senate and House of Representatives, Hon. J. F. Porter, Speaker pro tem. of the House of Representatives, presided over the joint Assembly.

The members of the two Houses were convened in joint Assembly.

The Joint Assembly proceeded, pursuant to law, to take another (the 26th) joint ballot in the selection of a Senator in the Congress of the United States from the State if Kentucky, as aforesaid, which resulted as follows, viz.:

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

A. A. Allphin,

Those who voted for W. O. Bradley were—

O. P. Applegate,

Thoes who voted for Ollie M. James were—

Louis W. Arnett,

In summing up the vote of the joint Assembly, it was found to stand thus:

For J. C. W. Beckham	1 vote.
For William O. Bradley	1 vote.
For Ollie M. James	1 vote.
Total number of votes cast	3

It appearing that there is not a majority of the members elected to both Houses present and voting, the Speaker pro tem. above named declared that no election was had.

Mr. Wilson moved that the joint Assembly do now dissolve.

Said motion was agreed to.

The Senators retired and the Speaker pro tem. called the House to order.

Upon a call of the counties and Representative districts, the following bills were introduced and referred as follows:

By Mr. Nichols:

H. B. 369. An act to amend Section 1 of Article 17 of an act entitled, "An act relating to Revenue and Taxation," approved March 15, 1906.

Referred to Committee on Revenue and Taxation.

By Mr. Cornett:

H. B. 370. An act to establish and maintain public libraries.

Referred to Committtee on Libraries and Public Offices.

By Mr. Samuel J. Patrick:

H. B. 371. An act to amend Section 1244 of Chapter 36 of the Kentucky Statutes.

Referred to Committee on Criminal Law.

By Mr. H. L. Meyers:

H. B. 372. An act to create the office of County Detective and prescribing his duties.

Referred to Committee on Kentucky Statutes.

By Mr. Applegate:

H. B. 373. An act to amend and re-enact Section 25 and 26 of an act entitled, "An act concerning liens, approved February 25, 1893, and being Sections 2487 and 2488 of the Kentucky Statutes, Carroll's edition 1903."

Referred to Committee on Kentucky Statutes.

By Mr. Hunter:

H. B. 374. An act to amend an act relating to Revenue and Taxation, which was approved March 15, 1906.

Referred to Committee on Kentucky Statutes.

By Mr. Clay:

H. B. 375. An act to appropriate $5,000 to assist the Kentucky State Development Association to develop the State of Kentucky.

Referred to Committee on Appropriations.

By Mr. Sloan:

H. B. 376. An act to establish game preserves in the Commonwealth of Kentucky.

Referred to Committee on Fish, Game and Forestry.

By Mr. Cole:

H. B. 377. An act to amend Section 4419, which relates to the salary of County Superintendents.

Referred to Committee on Education No. 2.

By same:

H. B. 378. An act to amend Section 965 of Kentucky Statutes relating to the time of holding courts in the sixth circuit court district.

Referred to Committee on Circuit Courts.

By same:

H. B. 379. An act relating to false statements affecting banks.

Referred to Committee on Judiciary.

By Mr. Knox:

H. B. 380. An act providing for the punishment of persons who shall shoot into or at any school house, store house, church house, dwelling house, barn, stable or depot, whether the same is or is not occupied.

Referred to Committee on Criminal Law.

By Mr. Klair:

H. B. 381. An act to amend the charter of the second class cities.

Referred to Committee on Municipalities.

By Mr. Buford:

H. B. 382. An act to amend Section 3284 Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

By Mr. W. J. Jackson:

H B. 383. An act to prevent the licensing of pool or billiard tables in any territory of this Commonwealth in which the local option law is or may be in force.

Referred to Committee on Public Morals.

By same:

H. B. 384. An act to make it a misdemeanor for a purchaser to sell, give away or otherwise dispose of or to conceal personal property.

Referred to Committee on Criminal Law.

By Mr. Hannah:

H. B. 385. An act to provide for the payment of fees to attorneys at law appointed to defend persons charged with crime in the Commonwealth and unable to pay for such services.

Referred to Committee on Kentucky Statutes.

By Mr. Waggoner:

H. B. 386. An act to authorize county fiscal courts in the Commonwealth to provide additional revenue for public roads in their respective counties and provide a collection for same.

Referred to Committee on Agriculture.

By Mr. Strange:

H. B. 387. An act to amend an act entitled, "An act to amend and re-enact an act continuing the State Dental Association, and defining

the duties of said association and regulating the practice of dentistry in this State, approved March 17, 1904.

Referred to Committee on Public Health.

By Mr. Gwathmey:

H. B. 388. An act to repeal an act entitled, "An act authorizing the Court of Appeals to appoint a Commissioner of the Court of Appeals."

Referred to Committee on Court of Appeals.

By Mr. Markolf:

H. B. 389. An act to regulate bakeries and confectioneries providing for regulations governing the same and providing for the appointment of a bakery inspector.

Referred to Committee on Public Health.

By same:

H. B. 390. An act to amend Sub-section 286-a of the Kentucky Statutes, being Section 2 of an act approved February 28, 1902, to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893, relating to wharves and landings of cities of the first class.

Referred to Committee on Municipalities.

By same:

H. B. 391. An act to amend that part of Section 4224 entitled, Trading Stamp Companies, being a part of Chapter 108, Sub-division 4, of Revenue and Taxation of the Kentucky Statutes, edited by Hon. John D. Carroll, edition 1903.

By same:

H. B. 392. An act to prohibit the sale of refrigerated, undrawn,

slaughtered poultry, game and fish, and for the protection of slaughtered fresh meats, and providing penalties for violations thereof.

Referred to Committee on Public Health.

By same:

H. B. 393. An act entitled, An act to prevent the procreation of confirmed criminals, idiots, imbeciles, and rapists, providing that Superintendents and boards of managers of institutions where such persons are confined shall have the authority and are empowered to appoint a committee of experts consisting of two physicians to examine into the mental condition of such inmates.

Referred to Committee on Charitable Institutions.

By Mr. Kinhead:

H. B. 394. An act prohibiting any person, firm, association or corporation, except regularly established banks or trust companies from adopting the name or using in advertising the words "Bank" or "Trust" or "Savings."

Referred to Committee on Banks and Banking.

By same:

H. B. 395. An act to amend Section 2810 of Kentucky Statutes and to regulate the office and salaries under Boards of Public Works, in cities of the first class.

Referred to Committee on Municipalities.

By Mr. Harris:

H. B. 396. An act to amend Section 1251 of the acts of the General Assembly of 1885 and 1886 to provide for a check-weighman or check-measurer.

Referred to Committee on Immigration and Labor.

By same:

H. B. 397. An act for the benefit of the veterans of the war with Spain and the insurrection in the Philippine Islands.

Referred to Committee on Military Affairs.

By Mr. E. Meyer:

H. B. 398. An act making it a felony to abandon or willfully neglect to provide for the support and maintenance by any person of his wife, or his or her minor children in destitute or necessitous circumstances.

Referred to Committee on Criminal Law.

By same:

H. B. 399. An act appropriating the sum of $3,000 annually to the Eckstein Norton Institute to be used by that institute for normal educational facilities among the negro race and granting to it graduates the State certificates upon graduation when approved by the Superintendent of Education, a member of the Board of Trustees.

Referred to Committee on Appropriations.

By Mr. Rice:

H. B. 400. An act to amend Section 582 of the Civil Code.

Referred to Committee on Codes of Practice.

By Mr. Sawyer A. Smith:

H. B. 401. An act to regulate the conferring of collegiate degrees.

Referred to Committee on Education No. 1.

By Mr. W. A. B. Davis:

H. B. 402. An act to amend Section 3831 of the General Statutes

of the Commonwealth of Kentucky relating to the parole of convicts.

Referred to Committee on State Prisons and Houses of Reform.

By Mr. John L. Smith:

H. B. 403. An act to fix certain sheriff's fees.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 404. An act to amend Section 2241, Chapter 74 of the Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

By Mr. Tandy:

H. B. 405. An act to establish a course of instruction in rural engineering, provide qualifications for the office of road supervisor, and an appropriation for the purpose of carrying on the work of instruction in rural engineering.

Referred to Committee on Internal Improvements.

By Mr. Isaacs:

H. B. 406. An act relating to the licensing and examination of steam engineers of the State of Kentucky for the better protection of life and property against injury or damage resulting from the operation of steam boilers and engines by incompetent engineers and others.

Referred to Committee on Kentucky Statutes.

By Mr. Anderson:

H. B. 407. An act to amend an act entitled, An act for the government of cities of the fourth class.

Referred to Committee on Municipalities.

By Mr. Beard:

H. B. 408. An act to amend Section 3721 Kentucky Statutes compiled and edited by John D. Carroll, and issued in the year 1903.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 409. An act to amend and re-enact Section 606 of the Civil Code of Practice concerning husband and wife as witnesses.

Referred to Committee on Codes of Practice.

By same:

H. B. 410. An act to amend and re-enact Section 2514 of the Kentucky Statutes, compiled and edited by John D. Carroll and issued in the year 1903.

Referred to Committee on Judiciary.

By same:

H. B. 411. An act to amend Section 956 of the Kentucky Statutes compiled and edited by John D. Carroll and issued in the year 1903.

Referred to Committee on Judiciary.

By same:

H. B. 412. An act to amend Section 738 of the Civil Code of Practice.

Referred to Committee on Codes of Practice.

By Mr. Edmunds:

H. B. 413. An act to further amend an act to create a Board of Penitentiary Commissioners and regulate the penal institutions of the Commonwealth, which became a law March 5, 1898, without the approval of the Governor.

Referred to Committee on State Prisons and Houses of Reform.

Mr. Steers, of the Committee on Enrollments, reported that they had examined and found correctly enrolled a bill and joint resolution of the following title:

S. B. 33. An act authorizing corporations organized and empowered to construct a dam or dams in any river or stream in this State for the purpose of improving navigation or developing, using, distributing and selling water power, electricity or electrical energy to exercise the right of eminent domain.

S. Res. 2. Resolution providing for the furnishing of Codes of Practice, Kentucky Statutes, Official Manual and copies of the Governor's Message.

Thereupon all other business was suspended, and said bill and joint resolution were severally read at length and compared in open session, and being found correctly enrolled the Speaker pro tem. in open session in the presence of the House affixed his signature thereto.

Ordered, that the enrolling clerk deliver the same to the Senate.

Mr. McChord moved that the House do now adjourn.

Said motion was agreed to.

An then the House adjourned.

TUESDAY, FEBRUARY 25, 1908.

The House was opened with prayer by Rev. J. O. A. Vaught, of the Methodist Episcopal Church, South.

Hon. J. F. Porter, Speaker pro tem. presided.

The reading of the journal of yesterday's proceedings was dispensed with.

A message was received from the Senate announcing that they had passed bills of the following titles, viz.:

1. S. B. 86. An act to amend an act entitled, An act to amend charter of "Bacon College," and to amend an act entitled, An act to consolidate Kentucky University and Transylvania University and to change the name of Kentucky University to Transylvania University.

2. S. B. 108. An act relating to assessment of property for taxation.

3 S. B. 160. An act to provide for two District Detectives and an annual expense fund of $500 for the Commonwealth's Attorney of districts containing counties in this Commonwealth containing a population of 150,000 or over.

4. S. B. 166. An act to establish a sub-Experiment Station in Eastern Kentucky and a like station in Western Kentucky.

5. S. B. 164. An act to appropriate an additional sum of $460,000 for the erection and completion of the new Capitol and other State buildings now in course of construction.

6. S. B. 167. An act for the benefit of indigent and disabled

Confederate soldiers of the late war between the States and for the benefit of indigent wives of Confederate soldiers of the late war between the States, and fixing a penalty for speculating in same.

Said bills were ordered to be printed and referred:

1 to the Committee on Education No. 2.
2 to the Committee on Judiciary.
3 to the Committee on Municipalities.
4 to the Committee on Agriculture.
5 to the Committee on State Capitol.
6 to the Committee on Appropriations.

The House took up for consideration the special order of the day, to-wit: a bill entitled:

H. B. 145. An act to promote and regulate the tobacco industry in Kentucky.

Together with the substitute heretofore proposed to said bill by the Committee on Agriculture.

Pending the consideration of said bill.

The hour of 12 o'clock, meridian, having arrived, the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided, the members of the Senate of Kentucky appeared and entered upon the floor of the House of Representatives, and in pursuance of a joint rule of the Senate and House of Representatives, Hon. J. F. Porter, Speaker pro tem of the House of Representatives, presided over the joint Assembly. Hon. W. H. Cox, Lieutenant Governor, and President of the Senate, took his seat on the left of the Speaker.

The members of the two Houses were convened in joint Assembly, the same being composed of a majority of all the members elected to both Houses. The roll was called and the following Senators and Representatives answered to their names, viz.:

In the Senate—

Joe F. Bosworth,	R. L. Hubble,	Benjamin Sewell,
R. B. Brown,	G. T. Jarvis,	Hillard H. Smith,
A. R. Burnam,	Ben F. Landrum,	John T. Smith,
J. Wheeler Campbell,	Conn Linn,	W. W. Tabb,
Albert H. Charlton,	P. S. Maxwell,	E. M. Taylor,
J. P. Chinn,	H. S. McNutt,	John L. Vice,
Thos. A. Combs,	L. C. Nell,	Ed. E. Walker,
Nat. C. Cureton,	J. W. Newman,	J. J. Watkins,
J. A. Donaldson,	A. J. Oliver,	M. G. Watson,
C. B. Ecton,	Sam H. Peters,	Geo. Wilhelmi,
B. C. Grigsby,	E. K. Renaker,	J. W. Wright,
O. P. Hogan,	Frank Rives,	G. T. Wyatt.—36

In the House of Representatives—

A. A. Allphin,	R. Dillard Hunter,	John C. Pirtle,
O. P. Applegate,	R. F. Hutchinson,	J. F. Porter,
Elliott B. Beard,	W. Harrison Isaacs,	R. S. Rector,
J. W. Berkshire,	J. H. Jackson,	G. T. Reynolds,
F. Pierce Blair,	W. J. Jackson,	Isaac G. Rice,
O. Houston Brooks,	T. C. Jackson,	H. A. Schoberth,
Frank J. Brown,	W. H. Jones,	W. H. Shanks,
W. N. Brown, Jr.	W. L. Kimbrough,	John T. Shanklin,
J. T. Buford,	Cleves G. Kinkead,	Robert C. Simmons,
Albert Butler,	A. T. Knox,	J. A. Sloan,
I. Will Clay,	A. T. Lee,	John L. Smith,
H. K. Cole,	E. W. Lillard,	John S. Steers,
W. A. Cope,	Jasper D. Lowder,	R. E. Stewart,
Dr. C. F. Crecelius,	Hugh Mahin,	W. H. Strange,
John T. Davis,	J. B. Maynard,	J. A. Sullivan,
W. A. B. Davis,	W. C. McChord,,	J. B. Swann,

Henry H. Denham,	W. W. Hopkins,	D. P. Taggart,
Thurman B. Dixon,	Emanuel Meyer,	C. S. Templeman,
Wm. E. Dowling,	H. L. Myers,	Wm. M. Thompson,
J. A. Duff,	Duncan Milliken,	Geo. C. Waggoner,
W. F. Edmunds,	Chris. Mueller,	John P. Wallace,
Robert Enlow,	Jesse F. Nichols,	E. E. Wash,
Thos. E. Finley,	A. C. Oliver,	Harry Weitkamp,
F. E. Graves,	G. W. Parrott,	W. C. Wynn,
C. W. G. Hannah,	Samuel J. Patrick,	Geo. S. Wilson,
Robert L. Harris,	W. V. Perry,	J. Hal. Woodford-80
John P. Haswell, Jr.	G. L. Perryman,	

The reading of the journals of yesterday of both Houses, pertaining to the proceedings had in joint Assembly, was dispensed with.

The joint Assembly proceeded, pursuant to law, to take another (the 27th) joint ballot in the selection of a Senator in the Congress of the United States from the State of Kentucky, as aforesaid, which resulted as follows, viz.:

In the Senate—

Those who voted for J. C. W. Beckham were—

R. B. Brown,	R. L. Hubble,	Frank Rives,
J. P. Chinn,	Conn Linn,	W. W. Tabb,
Thos. A. Combs,	P. S. Maxwell,	E. M. Taylor,
J. A. Donaldson,	J. W. Newman,	J. J. Watkins,
C. B. Ecton,	Sam H. Peters,	M. G. Watson,
O. P. Hogan,	E. K. Renaker,	G. T. Wyatt—18

Those who voted for William O. Bradley were—

Joe F. Bosworth,	Ben F. Landrum,	Jno. T. Smith,
A. R. Burnam,	L. C. Nell,	John L. Vice,
Nat. C. Cureton,	A. J. Oliver,	Ed. E. Walker,
B. C. Grigsby,	Benjamin Sewell,	Geo. Wilhelmi,
G. T. Jarvis,	Hillard H. Smith,	J. W. Wright—15

Those who voted for J. C. S. Blackburn were—

J. Wheeler Campbell. Albert H. Charlton,

Those who voted for J. Wheeler Campbell were—

H. S. McNutt,

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

A. A. Allphin,
Elliott B. Beard,
J. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
J. Will Clay,
Dr. C. F. Crecilius,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
F. E. Graves,
W. W. Hopkins,
R. Dillard Hunter,
J. H. Jackson,
W. J. Jackson,
Hugh Mahin,
W. C. McChord,
Duncan Milliken,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
H. A. Schoberth,
W. H. Shanks,
Robert C. Simmons,
John L. Smith,
John S. Steers,
J. A. Sullivan,
J. B. Swann,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
E. E. Wash,
Geo. S. Wilson,
J. Hal. Woodford,—38

Those who voted for William O. Bradley were—

O. P. Applegate,
F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
H. K. Cole,
W. A. Cope,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
John P. Haswell, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
T. C. Jackson,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
Jasper D. Lowder,
G. W. Parrott,
Samuel J. Patrick,
G. L. Perryman,
R. S. Rector,
Isaac G. Rice,
John T. Shanklin,
J. A. Sloan,
R. E. Stewart,
W. H. Strange,
D. P. Taggart,

J. A. Duff, J. B. Maynard, John P. Wallace,
Thos. E. Finley, Emanuel Meyer, Harry Weitkamp,
C. W. G. Hannah, H. L. Myers, W. C. Wynn,—40
Robert L. Harris,

Those who voted for John R. Allen were—

W. F. Klair,

Those who voted for J. Wheeler Campbell were—

E. W. Lillard,

Those who voted for Victor M. Lorch were—

Chris. Mueller,

In summing up the vote of the joint Assembly, it was found to stand thus:

For J. C. W. Beckham.....56 votes.
For William O. Bradley.....55 votes.
For J. Wheeler Campbell..... 3 votes.
For J. C. S. Blackburn..... 1 vote.
For John R. Allen..... 1 vote.
For Victor M. Lorch..... 1 vote.

Total number of votes cast.....117

No one person having received a majority of the votes cast, a majority of all the members elected to both Houses being present and voting, the Speaker pro tem. as above named announced that no election was had.

The following pairs were announced:

Senator Owen with Senator G. A. Taylor; Mr. Owen, if present,

would vote for Mr. Beckham, and Mr. Taylor, if present, would vote for Mr. Bradley.

Mr. Anderson with Mr. C. C. Patrick; Mr. Anderson, if present. would vote for Mr. Beckham, and Mr. Patrick, if present, would vote for Mr. Bradley.

Mr. Arnett with Mr. Chase; Mr. Arnett, if present, would vote for Mr. Beckham, and Mr. Chase, if present, would vote for Mr. Bradley.

Mr. P. W. Berkshire with Mr. Feland; Mr. Berkshire, if present. would vote for Mr. Beckham, and Mr. Feland, if present, would vote for Mr. Bradley.

Mr. Stump with Mr. Cornett; Mr. Stump, if present, would vote for Mr. Beckham, and Mr. Cornett, if present, would vote for Mr. Bradley.

Mr. Tandy with Mr. Givan; Mr. Tandy, if present, would vote for Mr. Beckham, and Mr. Givan, if present, would vote for Mr. Bradley.

Mr. Whitlow with Mr. Gwathmey; Mr. Whitlow, if present, would vote for Mr. Beckham, and Mr. Gwathmey, if present, would vote for Mr. Bradley.

Mr. F. M. Hutcheson, Jr., with Mr. Moore; Mr. Hutcheson, if present, would vote for Mr. Beckham, and Mr. Moore, if present. would vote for Mr. Bradley.

Mr. Richardson with Mr. Markolf; Mr. Richardson, if present, would vote for Mr. Beckham, and Mr. Markolf, if present, would vote for Mr. Bradley.

Mr. Gooch with Mr. Sawyer A. Smith; Mr. Gooch, if present, would vote for Mr. Beckham, and Mr. Smith, if present, would vote for Mr. Bradley.

Mr. Shanks moved that the joint Assembly do now dissolve.

Said motion was agreed to.

The Senators retired and the Speaker pro tem. called the House to order.

The House resumed the consideration of the special order, to-wit:

H. B. 145. An act to promote and regulate the tobacco industry in Kentucky.

Pending the consideration of said bill, the hour of 1:30 o'clock p. m. having arrived, the House stood adjourned.

WEDNESDAY, FEBRUARY 26, 1908.

The House was opened with prayer by Rev. William Crowe, of the Presbyterian Church, Southern Assembly.

Mr. Speaker W. J. Gooch presided.

The Journal of the proceedings of yesterday was read and approved.

A message was received from the Senate announcing that they had received official information that the Governor had approved and signed a bill which originated in the Senate, entitled:

S. B. 12. An act to provide a Stenographer for the use of the Governor of the Commonwealth of Kentucky and fixing compensation therefor.

That they had passed bills which orignated in the House of the following titles:

H. B. 44. An act to amend an act entitled, An act for the benefit of the Kentucky Children's Home Society.

H. B. 157. An act for preventing the manufacture and sale of adulterated or misbranded foods, drugs, medicines and liquors.

That they had passed bills of the following titles:

1. S. B. 16. An act to amend Section 3948, Chapter 104, Kentucky Statutes.

2. S. B. 17. An act amending and re-enacting Section 74 of Title 5 of the Civil Code of Practice.

3. S. B. 19. An act to fix the salary of the Judges of the Circuit Courts of the State.

4. S. B. 50. An act for lessening the period of confinement of prisoners in the jails of this Commonwealth.

5. S. B. 80. An act to repeal Section 210 of the Kentucky Statutes, Carroll's edition 1903, and to amend and re-enact Section 3210-b of said statute as Section 3210 thereof, relating to free public libraries in cities of the second and third classes, and prescribing the conditions upon which such free public libraries shall receive a part of the fines and costs collected in the police court.

6. S. B. 193. An act to amend Section 19 of Article 4 of an act entitled, An act for the government of cities of the second class in the Commonwealth of Kentucky, approved by the Governor March 19, 1894, and being Section 3076 Kentucky Statutes.

7. S. B. 200. An act to amend Section 3 of Article 5 of an act entitled, An act for the government of cities of the second class in the Commonwealth of Kentucky, which was approved March 19, 1894, and which is now Section 3108 of the Kentucky Statutes.

8. S. B. 213. An act to amend an act entitled, An act in relation

to the control, management and operation of waterworks in cities of the first class, approved March 6, 1906.

Ordered, that said bills be printed and referred:

1 to the Committee on Printing.
2 to the Committee on Codes of Practice.
3 to the Committee on Circuit Courts.
4 to the Committee on Criminal Law.
5, 6, 7 and 8 to the Committee on Municipalities.

The House took up for consideration the unfinished business from yesterday, to-wit: A bill entitled:

H. B. 145. An act to promote and regulate the tobacco industry in Kentucky.

Together with a substitute heretofore proposed to said bill by the Committee on Agriculture.

Mr. McChord moved that the further consideration of said bill be postponed and the same be made the special order of the day for Friday next, the 28th inst., at 10:45 o'clock a. m. and from day to day and hour to hour until disposed of.

Said motion was agreed to.

The hour of 12 o'clock, meridian, having arrived, the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided, the members of the Senate of Kentucky appeared and entered upon the floor of the House of Representatives, and in pursuance of a joint rule of the Senate and House of Representatives, Hon. W. J. Gooch, Speaker of the House of Representatives, presided over the joint Assembly.

Hon. W. H. Cox, Lieutenant Governor, and President of the Senate, took his seat on the left of the Speaker.

The members of the two Houses were convened in joint Assembly, the same being composed of a majority of all the members elected to both Houses. The roll was called and the following Senators and Representatives answered to their names, viz.:

In the Senate—

Joe F. Bosworth,	G. T. Jarvis,	Hillard H. Smith,
R. B. Brown,	Ben F. Landrum,	Jno. T. Smith,
A. R. Burnam,	Conn Linn,	W. W. Tabb,
J. Wheeler Campbell,	P. S. Maxwell,	E. M. Taylor,
Albert H. Charlton,	H. S. McNutt,	G. A. Taylor,
J. P. Chinn,	L. C. Nell,	John L. Vice,
Thos. A. Combs,	J. W. Newman,	Ed. E. Walker,
Nat. C. Cureton,	A. J. Oliver,	J. J. Watkins,
J. A. Donaldson,	R. W. Owen,	M. G. Watson,
C. B. Ecton,	Sam H. Peters,	Geo. Wilhelmi,
B. C. Grigsby,	E. K. Renaker,	J. W. Wright
O. P. Hogan,	Frank Rives,	G. T. Wyatt—38
R. L. Hubble,	Benjamin Sewell,	

In the House of Representatives—

A. A. Allphin,	John P. Haswell, Jr.	John C. Pirtle,
Robert H. Anderson,	W. W. Hopkins,	J. F. Porter,
O. P. Applegate,	R. Dillard Hunter,	R. S. Rector,
Louis W. Arnett,	R. F. Hutchinson,	G. T. Reynolds,
Elliott B. Beard,	W. Harrison Isaacs,	Isaac G. Rice,
J. W. Berkshire,	J. H. Jackson,	H. A. Schoberth,
F. Pierce Blair,	W. J. Jackson,	W. H. Shanks,
O. Houston Brooks,	T. C. Jackson,	John T. Shanklin,
Frank J. Brown,	W. H. Jones,	J. A. Sloan,
W. N. Brown, Jr.	W. L. Kimbrough,	John L. Smith,
J. T. Buford,	Cleves G. Kinkead,	Sawyer A. Smith,
Albert Butler,	A. T. Lee,	R. E. Stewart,

C. C. Chase,
W. A. Cope,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
Thos. E. Finley,
F E. Graves,
R. L. Gwathmey,
C. W. G. Hannah,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Chris. Mueller,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman,
W. H. Strange,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn
Geo. S. Wilson,
J. Hal. Woodford,
Speaker Gooch—80

The reading of the journals of yesterday of both Houses, pertaining to the proceedings had in joint Assembly, was dispensed with.

The joint Assembly proceeded, pursuant to law, to take another (the 28th) joint ballot in the selection of a Senator in the Congress of the United States from the State of Kentucky, as aforesaid, which resulted as follows, viz.:

In the Senate—

Those who voted for J. C. W. Beckham were—

R. B. Brown,
J. P. Chinn,
Thos. A. Combs,
J. A. Donaldson,
C. B. Ecton,
O. P. Hogan,
R. L. Hubble,
Conn Linn,
P. S. Maxwell,
J. W. Newman,
R. W. Owen,
Sam H. Peters,
E. K. Renaker,
Frank Rives,
W. W. Tabb,
E. M. Taylor,
J. J. Watkins,
M. G. Watson,
G. T. Wyatt—19

Those who voted for William O. Bradley were—

Joe F. Bosworth,
L. C. Nell,
G. A. Taylor,

A. R. Burnam,
Nat. C. Cureton,
B. C. Grigsby,
G. T. Jarvis,
Ben F. Landrum,
A. J. Oliver,
Benjamin Sewell,
Hillard H. Smith,
Jno. T. Smith,
John L. Vice,
Ed. E. Walker,
Geo. Wilhelmi,
J. W. Wright—19

Those who voted for J. C. S. Blackburn were—

J. Wheeler Campbell,
Albert H. Charlton,

Those who voted for J. Wheeler Campbell were—

H. S. McNutt,

In the House of Representatives—

Those who voted for J. C. W. Beckham were—

A. A. Allphin,
Robert H. Anderson,
Elliott B. Beard,
J. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
Dr. C. F. Crecelius,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
F. E. Graves,
W. W. Hopkins,
R. Dillard Hunter,
J. H. Jackson,
W. J. Jackson,
Hugh Mahin,
W. C. McChord,
Duncan Milliken,
A. C. Oliver,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
H. A. Schoberth,
W. H. Shanks,
John L. Smith,
J. A. Sullivan,
J. B. Swann,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson,
J. Hal. Woodford
Speaker Gooch—37

Those who voted for William O. Bradley were—

O. P. Applegate,
F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
John P. Haswell, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
T. C. Jackson,
C. C. Patrick,
Samuel J. Patrick,
G. L. Perryman,
R. S. Rector,

C. C. Chase,
W. A. Cope,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
J. A. Duff,
Thos. E. Finley,
R. L. Gwathmey,
C. W. G. Hannah,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Lee,
Jasper D. Lowder,
J. B. Maynard,
Emanuel Meyer,
H. L. Myers,
G. W. Parrott,
Isaac G. Rice,
John T. Shanklin,
J. A. Sloan,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
D. P. Taggart,
John P. Wallace,
W. C. Wynn,—40

Those who voted for James P. Edwards were—

Chris. Mueller,

Those who voted for John R. Allen were—

W. F. Klair,

Those who voted for J. Wheeler Campbell were—

E. W. Lillard,

Those who voted for O. M. James were—

Louis W. Arnett.

In summing up the vote of the joint Assembly, it was found to stand thus:

For J. C. W. Beckham	56 votes.
For William O. Bradley	56 votes.
For J. C. S. Blackburn	1 vote.
For J. Wheeler Campbell	3 votes.
For John R. Allen	1 vote.
For James P. Edwards	1 vote.
For O. M. James	1 vote.
Total number of votes cast	119

No one person having received a majority of all votes cast, a majority of all the members elected to both Houses being present and voting, the Speaker as aforesaid announced that no election was had.

The following pairs were announced:

Mr. P. W. Berkshire with Mr. Feland. Mr. Berkshire, if present, would vote for Mr. Beckham, and Mr. Feland, if present, would vote for Mr. Bradley.

Mr. Clay with Mr. Knox. Mr. Clay, if present, would vote for Mr. Beckham, and Mr. Knox, if present, would vote for Mr. Bradley.

Mr. Nichols with Mr. Cole. Mr. Nichols, if present, would vote for Mr. Beckham, and Mr. Cole, if present, would vote for Mr. Bradley.

Mr. Stump with Mr. Cornett. Mr. Stump, if present, would vote for Mr. Beckham, and Mr. Cornett, if present, would vote for Mr. Bradley.

Mr. Tandy with Mr. Givan. Mr. Tandy, if present, would vote for Mr. Beckham, and Mr. Givan, if present, would vote for Mr. Bradley.

Mr. Steers with Mr. Harris. Mr. Steers, if present, would vote for Mr. Beckham, and Mr. Harris, if present, would vote for Mr. Bradley.

Mr. F. M. Hutcheson, Jr. with Mr. Moore. Mr. Hutcheson, if present, would vote for Mr. Beckham, and Mr. Moore, if present, would vote for Mr. Bradley.

Mr. Richardson with Mr. Markolf. Mr. Richardson, if present, would vote for Mr. Beckham, and Mr. Markolf, if present, would vote for Mr. Bradley.

Mr. Simmons with Mr. Weitkamp. Mr. Simmons, if present, would vote for Mr. Beckham, and Mr. Weitkamp, if present, would vote for Mr. Bradley.

Mr. Mueller moved that the joint Assembly do now dissolve.

Said motion was agreed to.

The Senators retired and the Speaker called the House to order.

A message was received from the Governor in writing as follows, viz.:

Executive Department,

Frankfort, Ky., February 26, 1908.

To the Senate and House of Representatives:

Gentlemen:—Respecting sincerely the line of division between the Legislative and Executive Departments of the government of the Commonwealth, and refraining from any interference by the Executive Department with the Legislative Department in any way except that provided by the Constitution, with no wish to in any way review the action of the co-ordinate branch of the government, and with no thought of any spirit or feeling except that of the co-ordinate branches all working together for the good of the people, I beg your permission to call your attention again to the serious conditions known to all the officers and representatives of the people in all three branches of the government, which impose upon all of these branches, Legislative, Judicial and Executive, earnest, wise and useful action to protect the liberties of the people, to prevent destruction of life and property, to end conditions so strange, shocking and brutal and so destructive of the values of all property in the Commonwealth, so shameful to the good name of the Commonwealth and so plainly without a particle of benefit or help or profit even to the evil-doers or any person in the State, and permitted to go on in spite of the laws, in spite of the know ncourage and love of liberty of our people, and in spite of the earnest, unceasing efforts of the State Government to put an end to these evil conditions.

There is hardly a man, woman or child in the State, who has not at some time read with wonder and indignation the stories of brigands in less civilized countries, and of those who waylay and injure travelers in other parts of the world; but it is not possible that any of us could have believed that in this year of our civilization there would arise in one of the oldest, bravest and best States of our Union, a condition of things tyrannically destructive of liberty and happiness, of safety and welfare like that which exists today in some of the best counties of this Commonwealth, where secret organizations shared by some people, feared by more, assume to take the place of the laws of the people, and by private orders to govern men and women, not only in what they shall do with their own property, but in also what servants or workers they shall employ and even in what they shall say, and have established a rule of terror by secret bands of armed, and mounted men, going in large numbers at night, disguised with masks and cloaks and carrying arms, and invading cities, towns and farms and taking people charged with no crime, from the shelter of their homes and from their families and whipping, beating, bruising, threatening and otherwise mistreating people thus violating the sacred right of personal liberty and the sanctity of home, against the laws of God and man, and without any excuse that could be accepted by any reasonable man.

Nobody thinks of disputing the fact of the attacks by large bands of armed and masked men on the cities and towns of Princeton, Hopkinsville, Russellville, Dawson, Dycusburg, Fredonia and Eddyville, and upon many individuals at their homes. Nobody questions the fact that in each of these places, the night riders did gather in large numbers, with arms and disguises and fired guns, attacked many people, and inflicted upon grown people of decent standing in their communities indescribable indignities worse than death; that they seized upon officers of the law and whipped or threatened them; that they have destroyed the liberty of people to sell their own property

or to cultivate their own farms in their own way, and nobody disputes that each of these acts made every man connected with it actually guilty of a felony under the statute of the State provided for such cases, and yet, in all these months, now more than a year since the first outrage, there has been nothing done by peace officers or State attorneys of the Judicial Department, except one indictment at Hopkinsville, and then, the prosecuting officer produced no evidence before the grand jury and only two cases of those known to those who had been investigating the crimes, were submitted to the grand jury, and the one which could not well be defended was ignored and only one man was indicted, and practically this one indictment is the whole result of all that has been done by the prosecuting officers of the Judicial Branch of the State Government in all of these hundreds of felonies committed in several counties and causing incalculable harm and loss to a very large part of all the people of the Commonwealth, so that in this part of the United States of America and in this Commonwealth of Kentucky, where we have a government of the people, by the people and for the people, established for more than a hundred years, the prosecuting officers in the Judicial Department have indicted but one man, and convicted or punished none of the men guilty of these crimes upon liberty, life, property and honor.

Turning to the Executive Branch of the Government, we have found it criticised by the press and pulpit, because, in spite of earnest declarations and work for the enforcement of the laws and punishment of crime, that Department has not been able to prevent continued repetitions of the outrages and wrongs. Some of the criticisms are manifestly unjust. One prominent preacher assails the Governor for not declaring martial law, when the Governor has no more power to declare martial law under the Constitution that the preacher. Others have found fault with the Governor that he has tolerated open defiance of the law by the banded criminals. Without desiring to enter upon a course of explanation and defense, it is enough to call the at-

tention of the people to the fact that there never has been a single instance brought to the attention of the Governor of an open defiance of the law, but on the contrary the whole course of these cases has been a succession of acts of a guerrilla nature, conducted with the greatest secrecy, sudden descents by night, without warning and without any chance to prepare for them, followed by sudden and complete disappearance of every man connected with the raid.

The only power given the Governor to detect these crimes is a statute which authorizes him to expend not more than $3,000.00 in a year and employ not more than two men for detective work, and a moment's thought will satisfy any one that this is practically useless in this emergency. The whole military force of the Commonwealth is not sufficient to garrison all the towns and places in which these crimes have occurred or there is ground to fear they may occur, and no one has claimed anywhere that the Governor ought to put the whole military force of the Commonwealth on duty in various places where no actual known danger threatens, because that is a violation of the law. The Governor has no right to call out the military force, or any part of it, except in case of actual danger, and the State government has responded to every case of this kind.

Other cities have complained that the Governor has not employed counsel to prosecute the tobacco trust, the conduct of which is often cited in excuse for the work of the night riders, although in the case at Eddyville, it is not claimed in the dispatches that the tobacco troubles or the trust had anything to do with violently taking ten people from their homes and whipping and threatening them, but I need not remind the General Assembly, familiar with our laws, of the fact that that there is no law or power given to the Governor to employ any lawyer to prosecute any offense committed againt the Commonwealth. The Constitution and law have established a Judicial Department with Commonwealth's Attorneys and County Attorneys elected by the people, and while the Governor may employ counsel

to prosecute claims for money, he can not employ any counsel to prosecute offenders against the laws of the Commonwealth, either in the counties or at the capitol, nor can the Attorney General or his assistants interfere in those prosecutions, but under constitution and laws, they are left wholly to the lawyers elected by the people to conduct their own affairs in the Judicial Department, and these Commonwealth's Attorneys in thirty-three districts and County Attorneys in one hundred and nineteen counties, one hundred and fifty-two lawyers of the State are all elected, sworn and paid to prosecute all offenders, including offenses of the trusts, and they are further stimulated to do their duty by a law which gives the Commonwealth's Attorney fifty per cent. of the fines, and the County Attorney twenty-five per cent. of the fines, and some other officers other parts of them, all for the purpose of securing earnest prosecution of such offenses, and any failure to prosecute the trusts on any just complaint is failure of the people's officers chosen by themselves under their own laws, and those critics who claim that the Governor had spent as much money on lawyers to prosecute the trusts as he had on militia, it would have done more to end the disorders, simply show that they know nothing of the law of the State, as the Governor can not spend one dollar to prosecute the trusts, because the people's laws restrict the right to prosecute the trusts to the prosecuting officers of the Judicial Department and give the Governor no part in it.

The only law authorizing the Governor to employ council is Section 115, of the Kentucky Statutes, and that only permits it in actions for collection or enforcement of claims or demands of the Commonwealth against another State, the United States, or in cases where it is the duty of the Attorney General to represent the Commonwealth and he is unable to do so, and it is expressly enjoined that the Governor shall not employ counsel to represent the Commonwealth in any cases where it is the duty of the Attorney General to represent it, except as provided in the Statute.

THE EXPENSE OF THE MILITIA.

The first company ordered out in connection with the night rider troubles was put in service by my predecessor, Gov. J. C. W. Beckham, on December 7, 1907, after the Hopkinsville raid, at the earnest and anxious request of the officials and many prominent citizens of Christian county and the city of Hopkinsville. The force then ordered out was, in whole or in part, continued on duty at Hopkinsville until January 14, 1908, when the detail was reduced to twenty men and one Commissioned officer, in charge of the Battalion Major. Then, in the hope that it would be possible soon to dispense with the whole force and expense and to relieve the local company, a part of the company at Middlesboro was sent to take the place of the local company, and after the Eddyville raid, which once more deferred the hope of the early approaching end of the troubles, orders were issued for the dispatch of other members of the Middlesboro company to Hopkinsville, and from time to time, other detachments of the military force of the Commonwealth will be sent whenever necessary to protect the lives and liberties of the people. In the repulse of the Hopkinsville raid, some members of the raiding party were killed, and from time to time there have been threats of a return of the night riders to Hopkinsville to punish the city and the officers and men who followed and attacked the raiders, for the death of those who were killed, and there has been such evidence of danger of such a return of the night riders, that it would have been a failure of the duty of the Governor to have removed all of the troops from Hopkinsville at any time since that raid, and the new cases at Dawson, Dycusburg, Fredonia and Eddyville and the revival of threats and measures of intimidation in other parts of the Commonwealth have made it necessary for the Governor to postpone the time of relieving the soldiers from duty.

On December 11, 1907, the Earlington Company of 24 men, in-

cluding officers, was called out because of special alarm at Hopkinsville, and remained on duty only two days, when it was sent home.

On January 8, 1908, a guard of ten men under a commissioned officer, was ordered on duty at Cynthiana, and a like detail at Lebanon, both of which were withdrawn January 20th. A company composed of parts of two companies of the First Regiment served at Hopkinsville, relieving the local company for quite a period. On the 11th day of February a detail of two officers and eighteen men was sent to Marion, Crittenden county, on urgent appeal of the local authorities, and except two men, sent home on sick leave, is still on duty. Besides these details, in quite a number of instances, rifles and ammunition have been sent to various counties at the earnest request of the local officers. The total cost of all the force at Hopkinsville from December 7, 1907, to January 14, 1908, including the cost of two days service of the Earlington company, is reported to me by the Adjutant General as $5,426.28. The cost of the detail at Cynthiana was $332.36. The cost at Lebanon has not yet been reported to me but would be about the same as at Cynthiana. I have no report as yet of the expense at Hopkinsville since January 14th, nor have I any report of the cost of railroad transportation, but it is estimated at about $5,200.00. Without being able to give the complete figures now, the total expenses amount to about $12,000.00. This is as nearly as I can now find out the total cost of the militia and measures taken to uphold the people's laws and it is material, but it is as nothing compared with the great loss sustained through the disorders which made it necessary. No one anywhere has pretended or tried to show that these disorders have added one cent or fraction to the price of tobacco, or done one cent's worth of good to any human being anywhere on earth, and no one denies that they have brought to pass a reign of terror in rich and heretofore peaceful counties, destroying liberty and hope and safety, and destroying millions of dollars of well-established values of farms, homes and other property, and permanently injuring the only interest which they could have been intended to uphold.

In my message of January 7th, I presented for the consideration and action of the General Assembly the lawlessness and disorder in parts of the Commonwealth, the alarm and distress of the people, the destruction of millions of dollars in values of property, the hurt to the good name of the Commonwealth and the state of alarm as to security of life and property, the news of which was carried all over the world, but no action has been taken looking to putting down the disorders, although absolutely necessary. In that message, I called attention to the growth of the tobacco trust and its buying out or controlling its various competitors and the price of tobacco, and the conditions which it was claimed led to the disorders and to the bands of armed and disguised men, assuming the powers of government and of ruling people, committing arson, shooting up towns and violating the Kuklux law without punishment, and to the raids upon Princeton, Hopkinsville, Russellville and the conditions in Bracken county, and the necessity of employing the military forces of the State, and expressed my hope of the final supremacy of the law of the people, and submitted to the General Assembly that the only question was whether this return of the rule of the people's law should be soon or long delayed, continuing for months, and I promised the General Assembly to do all in my power to uphold the people's law, and recommended to the General Assembly a law for change of venue of prosecutions and investigations of this class of offenses in order to secure the early and prompt detection, apprehension and punishment of the leaders in those conspiracies, and represented that there was urgent need of further legislation, so that when the local attorneys, judges or grand juries failed or refused to perform their duties, or were deterred by threats or intimidation, the investigation of the offenses could be transferred to some county where there was no intimidation and there fully prosecuted and tried, and I called to the attention of the General Assembly the fact that many offenders felt secure in their own counties because of their power to intimidate witnesses, grand juries and local authorities,

and recommended that a statute should be adopted which should, provide in substance, that whenever any circuit judge of this State, or the Attorney General should be satisfied, from his own knowledge, that such a state of lawlessness exists in any county in his district, that the officers of such county would be prevented from, or in danger of failure in, discharging or fairly investigating any offense against the laws, the circuit judge might, upon his own motion, and should, upon the request of the Attorney General of Kentucky, order and direct the investigation of the Commission of such offenses to be removed to some other county in which a fearless and fair investigation might be had. This message was communicated to your honorable body on the 7th of January, early in your session, which is restricted by law to sixty days, and now it is the 26th day of February, and a good deal more than half the session has passed, and I am advised that no law which would afford any help to the authorities, either judicial or executive, in regard to a change of venue of such investigations and prosecutions was ever offered in either House until February 20th, and that it is so late in the session that it will be difficult to get any such law through as it seems now, if there is any material opposition; but the condition of anarchy prevailing in nearly a third of the State, paralyzing the enforcement of the laws, makes this measure vital to the liberty of the people, and therefore more important than any and every other duty of the General Assembly.

I also recommended, in the interest of economy, a re-organization of the office of the Attorney General, providing for certain assistants in order to reduce the expense necessary for special counsel under our present system, and while an act has been introduced for this purpose I am advised that it has not been acted upon by either House.

It is plain that law giving the Governor power to employ detectives to investigate and discover those guilty of crimes against

the Commonwealth, which limits him to two detectives and $3,000 a year, is wholly insufficient for this purpose, and I earnestly ask your honorable body to appropriate not less than $25,000 at the earliest possible date under your rules to enable me to employ sufficient force to find, arrest and secure the punishment of the men guilty of these crimes, and to bring to an end the ruinous disorder which affects the Commonwealth. The Governor does not make this request for himself, but for his people as the officer and servant of all his people, and to uphold the law.

Every day's experience forces us to recognize that while the functions of the three departments of our government, the legislative, executive and judicial, are important, the range and power of each is small and that in the final result each depends upon the support and power of the people, and neither has any power except that given and maintained by the people and their law, and that if the people fail to enforce their own law their government must be without power, except to make an earnest, faithful and unselfish appeal to all the people to guard themselves and their rights, their lives, liberties and property. The Governor has exercised every power given to him under the people's law to uphold the law and will continue to do so. The legislative department no doubt is animated by the wish to do the same thing; but more than half of the session has passed with no important act nearer to passage, and with no action at all which gives any hope of any help to the executive department in suppressing the disorders and restoring the rule of the law.

I wish also to appeal to the General Assembly to pass an act authorizing and directing the Attorney General and his assistants to take charge of and control all investigations of all offenses against the laws of the Commonwealth in any case where the Attorney General believes that the local Commonwealth's Attorney or county

attorney or other officials are likely to fail from any cause to prosecute such offenses faithfully.

If the General Assembly will adopt the legislation recommended, it will strengthen the hands of the people's officers in enforcing the laws and protecting the people. If the General Assembly fails to do this it will greatly embarrass the executive department in securing the results practically by our whole people.

I have placed the condition of affairs before the General Assembly, and I again earnestly appeal to it not to lose another day in taking earnest, honest and wise measures to uphold the law and protect the people and give the executive department power to perform its duties desired by practically our whole people.

THE COUNTY UNIT BILL.

I feel it my duty to again call the attention of the General Assembly to the unyielding, insistent demand of a vast majority of the people of this Commonwealth for the enactment and enforcement of a uniform local option law, with the county as the governing unit. Partisan managers are inspiring and sedulously cultivating charges which are published in newspapers and find lodgment in the minds of the people, that in order to defeat the County Unit Bill and avoid legislation against corporations and trusts there has been a combination of interests to keep on adjourning the Legislature, until the end of the session, without action on any of the important measures. The county Unit Bill is purely a moral regulation, and should not be used or misused to delay a just decision on the actual merits of the measure nor for any partisan political purpose or advantage, but should be fairly and squarely considered and decided on its merits.

A SQUARE DEAL APPORTIONMENT LAW.

Every member of the General Assembly in both parties has

taken an oath to uphold the Constitution of Kentucky, and the Constitution expressly commands the men elected to the General Assembly as Senators and Representatives to adopt a fair redistricting bill every ten years, and I call the attention of the General Assembly to this mandate of the Constitution and to the decision of the Court of Appeals that the last apportionment bill was so gross a violation of the Constitution that it could not be conceived that it was intended to comply with their oath of office, and that an apportionment bill which is unfair and unequal robs the people of their liberties, and I appeal to the General Assembly to adopt a fair, honest, non-partisan apportionment law looking solely to the rule of the Constitution, the census and the geography, and while measures looking to this have been introduced every day which passes without action upon these measures leaves less and less hope of the adoption of a fair redistricting bill, of a just decision of the election contests, of reaching a vote on the County Unit Bill, of the reorganization of the Attorney General's office, or of the enactment of a law to remove the investigation of cases hampered by local prejudice or passion to districts free from local embarrassment. The frequent adjournments, often purely arbitary, seemingly under the influence of private and partisan interests, are bringing the session to a close without the accomplishment of the purposes for which the members were elected, and while in the last days of the session some few bills, appropriations, etc., may get through there is danger that they will depend, as past experience has shown, solely on the permission and work of a few men zealous in special interests and not for the whole people. Any adjournments or delays which have prevented the decision of the contests have not only held up these cases until near the end of the session, but have, it seems to me, been largely responsible for the delays of the important measures herein referred to.

I speak of these things frankly, not as a critic nor as a fault finder,

but as the sincere friend of every member of the General Assembly in all his efforts for the good of the people and with all the respect due from the executive department to the legislative department in order that we may counsel together and work together for the general welfare, and I invite from the General Assembly suggestions to help me in my work for the people, just as frank, as earnest and friendly as those which I have made in this message.

It is absolutely necessary, if we are to have any use of the new capitol or to protect it from injury, from its standing without being constantly cared for, that the appropriation should be made for completing and furnishing it, and also for a sufficient force to take care of it. During the next week I will send to the General Assembly an estimate, prepared under direction of the officers and agents immediately connected with the construction of the new capitol, of the force of employes which will be necessary for that care.

I have noticed that one measure introduced for the completion of the new Capitol contemplates the selection of the architect, who is to superintend finishing and furnishing the building by the legislative department instead of the executive department. The appointment of an architect is an exercise of a power belonging to the executive department of the government, and if the legislative department should decide to take over this power it can not, after it adjourns, control the architect and he will be in supreme charge to do his will expending a large sum of money without any control for the State. If appointed by the executive department it will always be on duty and in control of such employe of the State, and responsible to the people for performance of this duty, while no such responsibility would control the architect. Personally, I place the upholding of our plan of government under the Constitution far above any consideration of personal pleasure or conveniences as to the offices or building in which I shall carry on my duties as

Governor, and I feel it a duty under the law to uphold and maintain the clearly drawn line of division between the executive, legislative and judicial departments of the government. That division is constitutional and is inherent in the traditions of our race, and it is infinitely more important than any personal or partisan consideration that I can conceive of, and it is one of the strongest feelings of duty that I have in my office that the distinction should be respected and upheld by every member and officer of each of the three co-ordinate departments.

In a speech in the General Assembly it was stated that the Governor had passed the word to defeat a certain resolution of investigation. This statement was wholly mistaken and without any excuse in fact. The Governor has, in every way possible, respected the division between the executive department and the legislative department. He has not passed any word as to any measure nor made any request or argument, except in his messages. He has wished to have no personal nor partisan interest in any matter, and above all not to interfere with the deliberations or actions of the legislative department, except in the manner provided by the Constitution.

INVESTIGATION OF THE TRUSTS BY THE ATTORNEY GENERAL.

The Governor has always favored an earnest, impartial, wise and zealous investigation of what are known as the tobacco troubles, and any causes of the night riding, and any trust or corporate abuses; but his opinion was against the necessity of employing lawyers selected by legislative committees for this purpose, because he believed that many members of the General Assembly themselves personally knew as much about such troubles, causes and abuses as any witness in the State, and had ample knowledge to ask for themselves any questions necessary, and had lawyers as able

as any lawyers to put in forcible, effective, useful and proper shape the results of such investigation. I hope that the General Assembly will not adjourn without adopting a strong and comprehensive act authorizing the Attorney General and his assistants to investigate thoroughly and report to the Governor, for the General Assembly, on the causes, conditions and character of the recent disturbances and disorders in the tobacco districts, and any trusts or combinations which, in his opinion, are injurious to our people, and that the act will authorize the payment of the actual and necessary expenses of such investigations, including witness fees, fees of officers for summoning witnesses, stenographers and typewriters, for reporting the testimony and for making out the report and conclusions of the Attorney General, out of the amount of the appropriation of $25,000 asked for in this message, such payments to be made on itemized accounts, certified correct by the Attorney General and approved by the Governor, and I hope that the measure will be so drawn that the Attorney General will be enabled to require the attendance of witnesses and the production of books, papers and evidence, in order that he may make a searching and efficient investigation of the methods and conduct complained of in the trusts, and that will be comprehensive enough to cover all trusts and any future disorders or troubles connected with or caused by them that may arise in the Commonwealth in similar cases, and in order to give him sufficient force for this work, the reorganization of the Attorney General's office, with authority to employ assistance and incur the necessary expenses, heretofore recommended in the interest of true economy and efficiency in the operations of his office, will be necessary. I recommend that he be expressly required to report whether the statutes now in force are sufficient to remedy the abuses and punish any offenses of the trusts, and that if he conclude that they are not, he should be required to frame and report for the consideration of any future session of the General Assembly such measures as in his opinion, after

examining the best precedents and records of public measures against trust abuses in other States, will best protect the people of this Commonwealth against unfair or unjust business practices and operations.

NON-PARTISAN PUBLIC INSTITUTIONS.

In response to the Senate resolution of January 23, 1908, inquiring as to useless offices, I have expressed the opinion that the offices of the Board of Commissioners of the Penitentiary and Board of Control were unnecessary, and that all of their duties could be performed by the State officers now as they had been performed for about a century before the organization of the boards, and while I am not anxious to have the duties or the powers, which a return to the old system would involve, and have no candidate for any position that would be affected by that change, I hold to the view that it would be in the interest of economy to have the public institutions managed as they were under the old system and save the expense of the board; but if the General Assembly holds to the policy of having the penitentiaries and asylums managed by commissions I urge upon the General Assembly the conclusion reached by experience in most of the States of this Union, that nothing but harm comes to the State or its people or the institutions by making those commissions partisan or subjecting them to political party control. It is the universal experience that when managed by commissions the best results are secured by those which are not partisan but are expressly required by law to be non-partisan or bi-partisan, and I urge upon the General Assembly that if government of these institutions by commission be continued, measures should be adopted which will take the penitentiaries and asylums and other institutions of this character out of politics and free from a great body of unnecessary and very often unfit employes forced into their service to satisfy

political exigencies, and that everything possible should be done to make the management and control of these institutions honest, unselfish, sensible, effective and humane, so that no officer or employe of any such institution shall be employed or discharged for political reasons nor for any reason except usefulness and merit as a reason for employment, and lack of this or wrong doing as a reason for discharge.

I renew the request that provision be made to pay the actual, reasonable necessary expense of the Governor in personally visiting and looking after these State institutions.

I renew my request for a new and absolutely fair election law that shall favor no person or party, or such an amendment to the present law as shall insure a square deal in elections.

TAX REFORM.

I renew the recommendations of my message as to an amendment to the Constitution in order to enable us to make the necessary changes in our laws of taxation.

ROAD LAWS.

I earnestly commend to the General Assembly a measure for an amendment to the Constitution that will enable us to extend State aid to public roads.

THE MILITIA.

The militia of the State has, time and again, been a safeguard of the peace of the State and upheld the honor of the Commonwealth, and given unselfish, and poorly paid and supported service to the State and no State ever claimed or had more from its young men, in patriotic and unselfish service, than Kentucky

has had from its militia. I have the honor to send with this message a memorandum prepared for me by General P. P. Johnson, Adjutant General of Kentucky, which shows the amount per man appropriated by each of the States of the Union for its militia. From this it appears that the Kentucky appropriation is only $13.15 a year for each soldier, and there are only nine States which appropriate as little per soldier. Twelve States appropriate from $50 to more than $100 per soldier each year, and some States last year appropriated several hundred thousand dollars additional for armories and other incidental expenses, while our whole appropriation is $20,000. The United States has been paying us nearly $52,000 additional per annum. The average of all the States is $30.59 per soldier exclusive of the amount from the United States, and this, for our average number of soldiers in our State Guard, would be about $54,000 a year. The present appropriation is not in keeping with the needs or the honor of the State on its soldiers, while the work of the militia is a matter of pride to officers and men, it is also a matter of sacrifice, hardships, exposure and danger. At present, the First Regiment has a splendid Armory built by Jefferson county, and it is possible to keep the uniforms, arms and other equipments safely housed and to prevent their being outside of the armory, but the accommodations for the other companies generally are not at all suitable. In many cases the uniforms have to be carried to the residences of the soldiers and are exposed to being sometimes used for personal wear, and the present equipment of the State Guard is miserable and poor enough to almost destroy the pride of the officers and the men.

I hope that the General Assembly will take measures which will make it necessary for the different towns or counties to provide sufficient armories and drill halls for each organization. The men only drill two or three times a week, and the counties could build structures of the size of the ordinary skating rinks, which could

be used for amusements and public entertainments and produce a fair income on the investment, and in order to stimulate building proper armories for our soldiers, I recommend to the General Assembly that it authorizes the Board of Sinking Fund Commissioners to pay such amount as it shall deem proper, not to exceed in any structure an amount equal to twenty per cent. of the total cost of the structure to be built, under plans approved by the Board of Sinking Fund Commissioners, in order that there may be proper care as to the safety and the adaptibility of the structures; that authority be given to pay to privates and non-commissioned officers twenty-five cents a night for attending drill; that it be made unlawful and punishable by fine for any member of the State Guard to have any arms, equipment or uniform, outside of the established armory, except when on duty or in obedience to orders for the movement or transfer of such articles, and that in order to cover this extra expense and to properly equip our soldiery, the appropriation for the militia be increased to $50,000 a year.

We can not have the aid of the Government unless we have one hundred enlisted, organized and uniformed men for each member and Senator in Congress, at least 1,300, which would be two regiments and twelve companies of fifty-eight men each.

I am very anxious to regain for Kentucky the ancient and honorable fame of the old time Kentucky riflemen and to bring our State Guard up, as nearly as possible, to the regular army standard and keep it there, and the Adjutant General advises me that by cutting off every expense which does not contribute directly to the effectiveness of the soldier for active service, we can bring the State Guard as near to that standard as it is possible to bring militiamen.

In order to comply with the United States laws, our regiments must have twelve companies. If we should have three regiments of twelve companies of fifty-eight men each, we should need an

appropriation of $75,000 per year, and this will be very desirable if the General Assembly concludes that we can afford it.

THE ACT TO HARMONIZE LABOR TROUBLES.

I beg to commend to your earnest consideration the act presented by Representative Gwathmey for the settlement of industrial disputes, based on the law of Canada of which President Eliot, of Harvard College, in a recent address said:

"The great increase of the liberty of combination or association, with liberty of incorporation, is a great additional liberty provided by our legislation, administration and judicial action; that it is a formidable liberty, and we owe to its large extension some of the greatest evils of our social, industrial and political life today; that the combination of capitalists, the combination of working-men—never so free as in this country, was never before carried to such an extent in numbers of persons combined for common objects, and in many cases for selfish objects * * * Our country has suffered already immense losses because of this added liberty. What does the future promise us? If this liberty continues to be exercised without restraint the future promises us new losses, but, worse than that a chronic warfare in industries and in commerce * * *

"Now, new evils call for new remedies; and unfortunately for us, the future promises us new losses. The new law about industrial disputes in Canada is based not on obstinate fighting and then a truce, but on good will arrived at and maintained by a process of publicity, open discussion, mutual confidence and conciliation without the least bit of arbitration in it * * *. This Canadian law points out a better way."

I hope that the Commonwealth of Kentucky may be the first Government after that of Canada to adopt this measure, which is

good on its face and promises an invaluable safeguard against dangers the only one in the world which offers a prospect of industrial peace, and I hope that this measure can receive your early consideration and unanimous approval.

I have suggested, by interlineations in a printed copy of the measure some minor points which may be useful in adapting the measure to our local conditions, which do not change its effect and purport.

THE CONDITION OF THE TREASURY.

While I know that many members of the General Assembly have had such experience with and knowledge of appropriations that the Governor can not add to it, I wish to call the attention of all the members of the General Assembly to the absolute necessity of limiting not only the amount of the appropriations, but of taking great care to see to it that they shall not be made payable at any time when the treasury can not pay.

As shown by the auditor's report, and the reports of the auditor before me, the State collects from taxes and other sources a little over $6,000,000 a year, and spends all that it collects, so that the collections and expenditures are a little over $500,000 a month, and as shown by the auditor's report and necessarily resulting from the time fixed by law for collection of State taxes, over $5,000,000 of the $6,000,000 for the year are collected after July 1st in each year, and most of the money is collected in November and December, and out of these large collections at this period of the year, provision must be made for paying the steady, constant expenses of about $500,000 a month during the months in which the collections are small. The books of the auditor and treasurer show that in the first six months of the current fiscal year, instead of spending only the average of $500,000 a month or $3,000,000 for six months, the

expenditures were $3,830,283.39 or more than $830,000 over the average amount for those months, and that in the month of January, 1908, it was necessary to pay out the additional sum of $1,569,667.64, of which $1,073,645.75 was paid out in January 1908, on obligations of the State which were due and should have been paid on or before January 1, 1908, the chief items of which payments were school claims paid January 2, 1908, $336,229.65 and school claims paid January 7, 1908, $587,299.25, and that there is still due and unpaid to the schools $83,766.88 and to the State College $19,614.54, which could not be paid because it would have reduced the treasury balance so low as to endanger the payment of absolutely necessary running expenses, including the amounts becoming due to the members of the General Assembly. Adding to the amount expended for the State in the first six months of 1907, as above stated $3,830,283.39, the amount expended in January $1,569,667.64, the amount due to the schools $83,766.88 and the amount due the colleges, $19,614.54, we find that there has been expended or over due in the first seven months of the current fiscal year, $5,503,332.45, an average of $786,190.35 a month instead of the average authorized by our total receipts of $500,000 a month. So that in these seven months, the State has paid out over $5,500,000 out of its total probable income and cash on hand, $6,500,000, leaving only about $1,000,000 to pay all of the expenses of the State Government for the remaining five months of the fiscal year, when their average proportion would be $500,000 a month, or $2,500,000, and a very large part of the money which must be paid in those months is for the common schools and can not well be left unpaid without great harm to the schools and great wrong to the teachers, and that very little money will come into the treasury during July, August, September and October, the succeeding four months, until the general taxes come; so that it is plain, or at least seems very plain to me from the figures, that we have only a little over $1,000,000 to pay the current regular

expenses of the State Government, and the reserved ten per cent. on the State Capitol contract, about $150,000, which is expected to become due in a few weeks, and any appropriations which may be made, up to the first of July of this year, when the average expenses of $500,000 a month would amount to over $2,100,000, and that during the four months after July 1st, the probable receipts can not possibly, with the balance on hand, give the treasury more than $1,146,479.01, which is the difference, (if we assume the collections for this year to equal the collections for last year) between the $6,176,420.79 collected last year, and the $5,029,941.78 already expended, without considering the amount of over $100,000 due and unpaid to the schools and the State College, to run the whole State Government from the present time to the time when the State taxes come in in November, nearly nine months, when the average expense for that time would be over $4,000,000; so that it is necessary that all of the branches of the government should consider the fact that the previous administration has spent nine months income in five, and leaves us short for the remainder of the year, and leaves so small a balance in the treasury that it is not easy to see how provision can be made for carrying on the absolutely necessary expenses until the November taxes, without regard to new appropriations.

I have not presented these facts for any partisan purpose, and should have preferred not to have said anything at all about them, but the claim made in the last campaign that over $1,000,000 would be turned over to the new administration, and the first report prepared by the Inspector and Examiner showing the unexpended balance in the treasury of nearly $1,500,000 without showing past due unpaid claims, and obligations matured in January amounting in all to more than $1,500,000, might have led some members into voting for appropriations in the belief that there was such a sum on hand subject to appropriation, when in fact there was and is

and will be until November practically nothing subject to appropriation and not enough to pay current necessary expenses. I should have published the State Inspector and Examiner's report before, in accordance with the statute, but for the fact that I found that the report as originally made, while literally true, seemed very seriously misleading, and on my order he furnished a supplement report showing the large amount due and unpaid, and because of these facts, I have asked the Auditor to check up the items of the Inspector and Examiner's report and return the same to me for publication as soon as compared with the records.

I beg in conclusion to extend to every member of the General Assembly the hope that we shall be found working together for the general welfare, with prudence, courage and good judgment and with hope and faith, and that the remaining days of the session may be uninterrupted by death or any misfortune, and may bring forth good fruit, of diligent, unceasing and useful work in completing the business of the people entrusted to the Legislative Department, and I hope that the General Assembly will not delay in what it can do to give power and means to put an end to the conditions of lawlessness and disorder. It has seldom happened that any man who wore the name of Kentuckian was willing to hide his face or personality, and it is a grief and a shame that we have come to a time when hundreds of people living in Kentucky do go by night in lawless bands with faces hidden under masks and bodies disguised, to rob people of their liberties, to inflict shameless indignities, to terrorize whole communities and to destroy the liberty, rights and the property values of the people of the State.

With the greatest respect,

AUGUSTUS E. WILLSON,

Governor of Kentucky.

Which was received and read, and ordered to be spread in full on the Journal.

Mr. Klair offered the following resolution, viz.:

Whereas, The business of the House has been and is greatly impeded owing to the inadequate means afforded members for acquiring information concerning bills pending, and for classifying and arranging same and for preparing such amendments or substitutes as the members may deem proper, therefore be it

Resolved by the House of Representatives of Kentucky, that the Committee on Rules be and it is hereby authorized to investigate the cause of these defects in the method of transacting the business of the House and to suggest a remedy for same, and said committee in aid of its investigation and of suggesting a remedy or remedies to cure such defects is authorized to employ such clerical and other assistants as it deems necessary and fix the compensation of same, subject to the approval of the House. The committee will make report to the House of its acts under this resolution.

The expense of the committee including clerical and other assistance, shall be paid as part of the contingent expenses of the House, and upon the production to the Auditor of a voucher for said expenses signed by the chairman of the committee, the Speaker of the House, and countersigned by the clerk of the House, he will draw warrant for same upon the treasurer, payable to the Speaker of the House, who will distribute said money as directed by the report of the Committee.

Said resolution was agreed to.

Mr. Klair indicated the standing orders of the day and demanded their consideration.

Mr. Wilson moved to postpone the consideration of the orders of the day for the day.

Mr. Hannah moved that said motion lie on the table.

Said last named motion was disagreed to.

The yeas and nays being required thereon by Messrs. Wilson and Crecelius were as follows, viz.:

Those who voted in the affirmative were—

O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
C. C. Chase,
J. Will Clay,
W. A. Cope,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
R. L. Gwathmey,
C. W. G. Hannah,
R. E. Hutchinson,
T. C. Jackson,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Lee,
Jasper D. Lowder,
J. B. Maynard,
Emanuel Meyer,
H. L. Myers,
Chris. Mueller,
Samuel J. Patrick,
G. L. Perryman,
Isaac G. Rice,
J. A. Sloan,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
J. A. Sullivan,
D. P. Taggart,
John P. Wallace,
W. C. Wynn,
J. Hal. Woodford,-40

Those who voted in the negative were—

A. A. Allphin,
Robert H. Anderson,
J. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
Dr. C. F. Crecelius
W. F. Edmunds,
Robert Enlow,
Thos. E. Finley,
F. E. Graves,
John P. Haswell, Jr.
W. W. Hopkins,
R. Dillard Hunter,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
W. H. Jones,
E. W. Lillard,
Hugh Mahin,
W. C. McChord,
Duncan Milliken
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
John L. Smith,
J. B. Swann,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson,—41

Mr. Wilson's motion was disagreed to.

The yeas and nays being required thereon by Messrs. Hannah and Sawyer A. Smith were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	W. Harrison Isaacs,	R. S. Rector,
Robert H. Anderson,	J. H. Jackson,	G. T. Reynolds,
J. W. Berkshire,	W. J. Jackson,	H. A. Schoberth,
O. Houston Brooks,	Cleves G. Kinkead,	W. H. Shanks,
Frank J. Brown,	E. W. Lillard,	John T. Shanklin,
J. T. Buford,	Hugh Mahin,	John L. Smith,
Dr. C. F. Crecelius,	W. C. McChord,	J. B. Swann,
W. F. Edmunds,	Duncan Milliken,	Eugene W. Tandy,
Robert Enlow,	A. C. Oliver,	C. S. Templeman,
Thos. E. Finley,	G. W. Parrott,	Wm. M. Thompson,
F. E. Graves,	C. C. Patrick,	Geo. C. Waggoner,
John P. Haswell, Jr.	W. V. Perry,	E. E. Wash,
W. W. Hopkins,	John C. Pirtle,	W. R. Whitlow,
R. Dillard Hunter,	J. F. Porter,	Geo. S. Wilson,—42

Those who voted in the negative were—

Louis W. Arnett,	R. L. Gwathmey,	Samuel J. Patrick,
Elliott B. Beard,	C. W. G. Hannah,	G. L. Perryman,
W. N. Brown, Jr.	R. F. Hutchinson,	Isaac G. Rice,
Albert Butler,	T. C. Jackson,	J. A. Sloan,
C. C. Chase,	W. H. Jones,	Sawyer A. Smith,
J. Will Clay,	W. F. Klair,	R. E. Stewart,
W. A. Cope,	W. L. Kimbrough,	W. H. Strange,
John T. Davis,	A. T. Lee,	J. A. Sullivan,
W. A. B. Davis,	Jasper D. Lowder,	D. P. Taggart,
Henry H. Denham,	J. B. Maynard,	John P. Wallace,
Thurman B. Dixon,	Emanuel Meyer,	W. C. Wynn,
Wm. E. Dowling,	H. L. Myers,	J. Hal. Woodford,-38
J. A. Duff,	Chris. Mueller,	

Two-thirds of the members present not voting in the affirmative.

Mr. Sawyer A. Smith moved that when the House adjourn, it adjourn to meet at three o'clock this afternoon for the purpose of considering:

First, Reports of contest committees and the hearing of same.
Second, The County Unit Bill.

Mr. Wilson moved to amend said motion by striking out all after the word "considering" and insert in lieu thereof,

First, The County Unit Bill.

Second, Such other business as shall come before the House.

Mr. Nichols offered the following substitute for said motion and proposed amendment, viz.:

Resolved, That beginning with this date the House of Representatives hold afternoon sessions for the purpose of hearing the reports of standing committees, report of the calendar and the consideration of the orders of the day. Said session shall begin at 3 o'clock and adjourn at 5 o'clock.

Mr. Sloan moved to amend said substitute by striking out the words "with this date" and insert in lieu thereof "March 2."

Mr. Wilson moved that the session of the House be extended until the matter under consideration is disposed of.

Said motion was agreed to.

Mr. Klair moved that the motion as made by Mr. Sawyer A. Smith and all proposed amendments thereto lie on the table.

Said motion was disagreed to.

The yeas and nays being required on said motion by Messrs. J. H. Jackson and Waggoner, were as follows, viz.:

Those who voted in the affirmative were—

Louis W. Arnett,	T. C. Jackson,	W. L. Kimbrough,
Wm. E. Dowling,	W. F. Klair,	J. Hal. Woodford,—7
	F. E. Graves,	

Those who voted in the negative were—

A. A. Allphin,	W. W. Hopkins,	J. F. Porter,
Robert H. Anderson,	R. Dillard Hunter,	R. S. Rector,
O. P. Applegate,	R. F. Hutchinson,	G. T. Reynolds,
Elliott B. Beard,	W. Harrison Isaacs,	Isaac G. Rice,
J. W. Berkshire,	J. H. Jackson,	H. A. Schoberth,
F. Pierce Blair,	W. J. Jackson,	W. H. Shanks,
O. Houston Brooks,	W. H. Jones,	John T. Shanklin,
Frank J. Brown,	Cleves G. Kinkead,	J. A. Sloan,
W. N. Brown, Jr.	A. T. Lee,	John L. Smith,
J. T. Buford,	E. W. Lillard,	Sawyer A. Smith,
Albert Butler,	Jasper D. Lowder,	R. E. Stewart,
C. C. Chase,	Hugh Mahin,	W. H. Strange,
W. A. Cope,	J. B. Maynard,	J. A. Sullivan,
Dr. C. F. Crecelius	W. C. McChord,	J. B. Swann,
W. A. B. Davis,	Emanuel Meyer,	D. P. Taggart,
Henry H. Denham,	H. L. Myers,	C. S. Templeman,
Thurman B. Dixon,	Duncan Milliken,	Wm. M. Thompson,
J. A. Duff,	A. C. Oliver,	Geo. C. Waggoner,
W. F. Edmunds,	G. W. Parrott,	John P. Wallace,
Robert Enlow,	C. C. Patrick,	E. E. Wash,
Thos. E. Finley,	Samuel J. Patrick,	W. R. Whitlow,
R. L. Gwathmey,	W. V. Perry,	W. C. Wynn,
C. W. G. Hannah,	G. L. Perryman,	Geo. S. Wilson,—71
John P. Haswell, Jr.	John C. Pirtle,	

Mr. Klair entered a motion to reconsider the vote by which the session of the House was extended.

Mr. Klair moved that the House do now adjourn.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Wilson and Haswell were as follows, viz.:

Those who voted in the affirmative were—

Wm. E. Dowling, T. C. Jackson, W. L. Kimbrough,-4
F. E. Graves,

Those who voted in the negative were—

A. A. Allphin,
Robert H. Anderson,
O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
W. A. Cope,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
Thos. E. Finley,
R. L. Gwathmey,
C. W. G. Hannah,
John P. Haswell, Jr.
W. W. Hopkins,
R. Dillard Hunter,
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
W. H. Jones,
W. F. Klair,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Chris. Mueller,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,—74

Pending the call of the roll on said motion, the hour of 1:30 o'clock p. m. having arrived, the House stood adjourned.

THURSDAY, FEBRUARY 27, 1908.

The House was opened with prayer by Rev. C. R. Hudson, of the Christian Church.

The reading of the Journal of yesterday's proceedings was dispensed with.

A message was received from the Senate announcing that they had received official information that the Governor had approved and signed a joint resolution which originated in the Senate entitled:

S. Res. 2. Resolution providing for the furnishing of Codes of Practice, Kentucky Statutes, Official Manuals and copies of the Governor's message.

That they had passed a bill which originated in the House, entitled:

H. B. 36. An act amending an act entitled: An act for the government of cities of the fourth class, and approved June 28, 1893.

That they had passed bills and a resolution of the following titles:

S. Res. 4. Resolutions for the benefit of H. D. Arnold.

S. B. 7. An act to amend sections 2 and 5 of Article 1 of an act entitled, An act relating to Revenue and Taxation, approved March 15, 1906.

S. B. 83. An act to accept the provisions of an act passed by the Congress of the United States and approved March 16, 1906, to provide for an increase of an annual appropriation for agricultural experiment stations and regulating the expenditures thereof.

S. B. 122. An act to create an Educational Commission, to define its powers and duties and to provide for its expenses.

S. B. 158. An act fixing the compensation of members of the General Assembly.

S. B. 199. An act to amend an act entitled, An act to amend and re-enact section 3140, Kentucky Statutes, approved by the Governor March 22, 1906.

S. B. 212. An act appropriating money for the Western Kentucky Asylum for the Insane, the Central Kentucky Asylum for the Insane and the Kentucky Institution for Feeble Minded Children.

Said bills and resolutions were ordered to be printed and referred:

First, To the committee on Appropriations.

Second, To the committee on Municipalities.

Third, To the committee on State College and State Normal Schools.

Fourth, To the committee on Education No. 1.

Fifth, To the committee on Legislative Accounts.

Seventh, To the committee on Charitable Institutions.

Mr. Wilson moved that the rules of the House be suspended and that the committee on Public Morals be permitted and directed to report a bill entitled:

H. B. 228. An act to amend Chapter 21 of the acts of 1906, entitled, "An act to amend section 2560 of the Kentucky Statutes, it being a portion of Article 1 of Chapter 81 of the Kentucky Statutes, entitled, "Liquors, Intoxicating."

Mr. Sawyer A. Smith moved the following amendment as a substitute to said motion:

That in addition to dispensing with the regular order of business, I move that the committee on Public Morals be and are hereby requested to make an immediate report on the County Unit bill, and that this House proceed with the consideration of same until completed; also that the contest committee be and are hereby required to make reports of the respective cases for the trying of which they were respectively drawn, and that the House proceed with the consideration of said cases.

Mr. Shanks demanded a division of the question as embraced in the said substitute amendment.

The Speaker decided that the sense admitted of a division of the question, and granted the demand of Mr. Shanks.

Mr. Sawyer A. Smith sent to the clerk's desk and had read the following appeal from the chair:

The Gentleman from Knox offered the following motion:

That in addition to dispensing with the regular order of business, I move you that the Committee on Public Morals be and are hereby requested to make an immediate report on the County Unit bill, and that this House proceed with the consideration of same until completed; also that the contest committee be and are hereby required to make reports of the respective cases for the trying of which they were respectively drawn, and that the House proceed with the consideration of said cases.

The Gentleman from Lincoln demanded a division of the above substitute. The Speaker ruled that said substitute could be divided, from which ruling we, the undersigned members of the House pray an appeal to the House.

SAWYER A. SMITH.
C. W. G. HANNAH.
THURMAN B. DIXON.

The Speaker vacated the chair and called thereto Mr. Klair to preside pending said appeal.

The chair stated the question "Shall the decision of the chair stand as the judgment of the House?"

Said question was decided in the negative.

The yeas and nays being required thereon by Messrs. Sawyer A. Smith and Dixon were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	R. Dillard Hunter,	H. A. Schoberth,
Robert H. Anderson,	F. M. Hutcheson, Jr.	W. H. Shanks,
Louis W. Arnett,	J. H. Jackson,	John L. Smith,
Elliott B. Beard,	W. J. Jackson,	John S. Steers,
J. W. Berkshire,	W. F. Klair,	J. A. Sullivan,
P. W. Berkshire,	E. W. Lillard,	J. B. Swann,
O. Houston Brooks,	Hugh Mahin,	Eugene W. Tandy,
Frank J. Brown,	W. C. McChord,	C. S. Templeman,
J. T. Buford,	Duncan Milliken,	Wm. M. Thompson,
Dr. C. F. Crecelius,	Jesse F. Nichols,	Geo. C. Waggoner,
Wm. E. Dowling,	A. C. Oliver,	E. E. Wash,
W. F. Edmunds,	W. V. Perry,	W. R. Whitlow,
Robert Enlow,	John C. Pirtle,	Geo. S. Wilson,
F. E. Graves,	J. F. Porter,	J. Hal. Woodford,–44
W. W. Hopkins,	G. T. Reynolds,	

Those who voted in the negative were—

O. P. Applegate,	C. W. G. Hannah,	G. W. Parrott,
F. Pierce Blair,	Robert L. Harris,	C. C. Patrick,
W. N. Brown, Jr.	John P. Haswell, Jr.	Samuel J. Patrick,
Albert Butler,	R. F. Hutchinson,	G. L. Perryman,
C. C. Chase,	W. Harrison Isaacs,	R. S. Rector,
H. K. Cole,	T. C. Jackson,	Isaac G. Rice,
W. A. Cope,	W. H. Jones,	John T. Shanklin,
Denver B. Cornett,	W. L. Kimbrough,	J. A. Sloan,

John T. Davis,	Cleves G. Kinkead,	Garfield Moore,
W. A. B. Davis,	A. T. Lee,	Sawyer A. Smith,
Henry H. Denham,	Jasper D. Lowder,	R. E. Stewart,
Thurman B. Dixon,	Wm. S. Markolf,	W. H. Strange,
J. A. Duff,	J. B. Maynard,	D. P. Taggart,
John Feland,	Emanuel Meyer,	J. P. Wallace,
Thos. E. Finley,	H. L. Myers,	Harry Weitkamp,
R. L. Gwathmey,	Chris Mueller,	W. C. Wynn—48

Mr. Speaker Gooch then resumed the chair.

Pending the further consideration of the above set out motion and the substitute therefor.

The hour of 12 o'clock, meridian, having arrived, the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided, the members of the Senate of Kentucky appeared and entered upon the floor of the House of Representatives, and in pursuance of a joint rule of the Senate and House of Representatives, Hon. W. J. Gooch, Speaker of the House of Representatives, preside over the joint Assembly. Hon. W. H. Cox, Lieutenant Governor, and President of the Senate, took his seat on the left of the Speaker.

The members of the two Houses were convened in joint Assembly. The roll was called and the following Senators and Representatives answered to their names, viz.:

In the Senate—

Joe F. Bosworth,	Ben F. Landrum,	John T. Smith,

A. R. Burnam,	H. S. McNutt,	G. A. Taylor,
Albert H. Charlton,	L. C. Nel:,	John L. Vice,
Nat. C. Cureton,	A. J. Oliver,	Ed. E. Walker,
B. C. Grigsby,	Benjamin Sewell,	Geo. Wilhelmi,
G. T. Jarvis,	Hillard H. Smith,	J. W. Wright—18

In the House of Representatives—

O. P. Applegate,	C. W. G. Hannah,	Chris. Mueller,
F. Pierce Blair,	Robert L. Harris,	G. W. Parrott,
W. N. Brown, Jr.	John P. Haswell, Jr.	C. C. Patrick,
Albert Butler,	R. F. Hutchinson,	Samuel J. Patrick,
C. C. Chase,	W. Harrison Isaacs,	G. L. Perryman,
H. K. Cole,	T. C. Jackson,	R. S. Rector,
W. A. Cope,	W. H. Jones,	Isaac G. Rice,
Denver B. Cornett,	W. L. Kimbrough,	John T. Shanklin,
John T. Davis,	Cleves G. Kinkead,	Sawyer A. Smith,
W. A. B. Davis,	A. T. Lee,	R. E. Stewart,
Henry H. Denham,	Jasper D. Lowder,	W. H. Strange,
Thurman B. Dixon,	J. B. Maynard,	D. P. Taggart,
J. A. Duff,	Emanuel Meyer,	J. P. Wallace,
John Feland,	H. L. Myers,	W. C. Wynn,
Thos. E. Finley,	Garfield Moore,	Speaker Gooch,—46
R. L. Gwathmey,		

It appearing from said roll call that there was not a majority of all the members elected to both Houses present and voting, the Speaker aforesaid declared that there was no quorum of the joint assembly present.

Thereupon the joint assembly dissolved.

The Senators retired, and the Speaker called the House to order.

The House resumed the consideration of the above named motion of Mr. Wilson and the proposed substitute therefor by Mr. Sawyer A Smith.

The Speaker then decided that the substitute as proposed by Mr. Sawyer A. Smith, as above set out, was not in order.

The motion of Mr. Wilson, as above set out, was then agreed to.

Thereupon, Mr. Enlow, of the Committee on Public Morals, to which the same had been re-committed, reported a bill entitled:

H. B. 228. An act to amend Chapter 21 of the acts of 1906, entitled, An act to amend section 2560 of the Kentucky Statutes, it being a portion of Article 1, of Chapter 81 of the Kentucky Statutes, entitled, "Liquors, Intoxicating."

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 21 of the Acts of 1906, entitled: "An Act to amend Section 2560 of the Kentucky Statutes, it being a portion of Article 1, of Chapter 81 of the Kentucky Statutes, entitled "Liquors, Intoxicating," be amended by striking from sub-section "a" the following words:

"Except that cities of the First, Second, Third and Fourth Classes may hold an election on the same day on which an election for the entire county is held," so that said Act as amended shall read as follows:

1. That Section 2560 of the Kentucky Statutes, it being a portion of Article 1, Chapter 81, of the Kentucky Statutes, entitled "Liquors, Intoxicating," be and the same is hereby repealed, and in lieu thereof it is hereby enacted:

"A" No election in any town, city, district or precinct of a county, shall be held, under this Article, on the same day on which an election for the entire county is held. When an election is held in an entire county and a majority of the legal votes cast at said

election are against the sale, barter or loan of spirituous, vinous, malt, or other intoxicating liquors, then it shall not be lawful to sell, barter or loan any such liquors in any portion of the county. If at such an election for the entire county the majority of the legal votes cast are in favor of the sale, barter or loan of any such liquors, such election shall not operate to make it legal to grant license to sell, barter or loan such liquors in any territorial division of such county from which the sale, barter or loan has been excluded by an election held under this Article, or by special act, but the status of such territorial division shall remain as if no such election had been held.

"B" No election shall be held in any election precinct under this act on the same day on which an election is held for the district or city of which the precinct is a part. If an election held, for such entire district or city, the majority of legal votes cast shall be in favor of the sale, barter or loan of spirituous, vinous, malt or other liquors, then the status in the several precincts thereof shall remain as it was before said election; but if the majority should be against the sale, then the sale, barter or loan of such liquors shall be unlawful in every portion of said district or city."

Mr. Wilson moved that today's session be extended until the bill under consideration is disposed of.

Said motion was agreed to.

Mr. Wilson moved that the vote by which the House extended its session be reconsidered and that said motion lie on the table.

Said motion was agred to.

Mr. Klair moved that said bill be recommitted to the Committee on Kentucky Statutes.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Klair and Mueller, were as follows, viz.:

Those who voted in the affirmative were—

Louis W. Arnett,	T. C. Jackson,	H. L. Myers,
Wm. E. Dowling,	W. F. Klair,	Chris. Mueller,
John Feland,	W. L. Kimbrough,	John P. Wallace,
F. E. Graves,	Wm. S. Markolf,	J. Hal. Woodford,–14
Robert L. Harris,	J. B. Maynard,	

Those who voted in the negative were—

A. A. Allphin,	C. W. G. Hannah,	John C. Pirtle,
Robert H. Anderson,	John P. Haswell, Jr.	J. F. Porter,
O. P. Applegate,	W. W. Hopkins,	R. S. Rector,
Elliott B. Beard,	R. Dillard Hunter,	G. T. Reynolds,
J. W. Berkshire,	R. F. Hutchinson,	Isaac G. Rice,
F. W. Berkshire,	W. Harrison Isaacs,	H. A. Schoberth,
F. Pierce Blair,	J. H. Jackson,	W. H. Shanks,
O. Houston Brooks,	W. J. Jackson,	John T. Shanklin,
Frank J. Brown,	W. H. Jones,	J. A. Sloan,
W. N. Brown, Jr.	Cleves G. Kinkead,	John L. Smith,
J. T. Buford,	A. T. Lee,	Sawyer A. Smith,
Albert Butler,	E. W. Lillard,	John S. Steers,
C. C. Chase,	Jasper D. Lowder,	R. E. Stewart,
H. K. Cole,	Hugh Mahin,	W. H. Strange,
W. A. Cope,	W. C. McChord,	J. A. Sullivan,
Dr. C. F. Crecelius,	Emanuel Meyer,	J. B. Swann,
John T. Davis,	Duncan Milliken,	D. P. Taggart,
W. A. B. Davis,	Garfield Moore,	Eugene W. Tandy,
Henry H. Denham,	Jesse F. Nichols,	C. S. Templeman,
Thurman B. Dixon,	A. C. Oliver,	Wm. M. Thompson,
J. A. Duff,	G. W. Parrott,	Geo. C. Waggoner,
W. F. Edmunds,	C. C. Patrick,	E. E. Wash,
Robert Enlow,	Samuel. J. Patrick,	W. R. Whitlow,
Thos. E. Finley,	W. V. Perry,	W. C. Wynn,
R. L. Gwathmey,	G. L. Perryman,	Geo. S. Wilson,75

Mr. Whitlow moved that the vote by which the House refused to recommit said bill to the Committee on Kentucky Statutes be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

Mr. Hannah moved the previous question.

The chair stated, Shall the main question be now put?

Said question was decided in the affirmative.

Ordered, that said bill be read the third time.

The provision of the constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	John P. Haswell, Jr.	John C. Pirtle,
Robert H. Anderson,	W. W. Hopkins,	J. F. Porter,
O. P. Applegate,	R. Dillard Hunter,	R. S. Rector,
Elliott B. Beard,	R. F. Hutchinson,	G. T. Reynolds,
J. W. Berkshire,	W. Harrison Isaacs,	Isaac G. Rice,
P. W. Berkshire,	J. H. Jackson,	H. A. Schoberth,
F. Pierce Blair,	W. J. Jackson,	W. H. Shanks,
O. Houston Brooks,	W. H. Jones,	John T. Shanklin,
Frank J. Brown,	Cleves G. Kinkead,	J. A. Sloan,
W. N. Brown, Jr.	A. T. Lee,	John L. Smith,
J. T. Buford,	E. W. Lillard,	Sawyer A. Smith,
Albert Butler,	Jasper D. Lowder,	John S. Steers,
C. C. Chase,	Hugh Mahin,	R. E. Stewart,
H. K. Cole,	J. B. Maynard,	W. H. Strange,
W. A. Cope,	W. C. McCord,	J. A. Sullivan,
Dr. C. F. Crecelius,	H. L. Myers,	J. B. Swann,
W. A. B. Davis,	Duncan Milliken,	D. P. Taggart,

Henry H. Denham,	Garfield Moore,	Eugene W. Tandy,
Thurman B. Dixon,	Jesse F. Nichols,	C. S. Templeman,
J. A. Duff,	A. C. Oliver,	Wm. M. Thompson,
W. F. Edmunds,	G. W. Parrott,	Geo. C. Waggoner,
Robert Enlow,	C. C. Patrick,	E. E. Wash,
Thos. E. Finley,	Samuel. J. Patrick,	W. R. Whitlow,
R. L. Gwathmey,	W. V. Perry,	W. C. Wynn,
C. W. G. Hannah,	G. L. Perryman,	Geo. S. Wilson,—75
John P. Haswell, Jr.,	John C. Pirtle,	

Those who voted in the negative were—

Louis W. Arnett,	Robert L. Harris,	Emanuel Meyer,
John T. Davis,	T. C. Jackson,	Chris. Mueller,
Wm. E. Dowling,	W. F. Klair,	John P. Wallace,
John Feland,	W. L. Kimbrough,	J. Hal. Woodford,-14
F. E. Graves,	Wm. S. Markolf,	

Resolved, that the title thereof be as aforesaid.

Mr. Schoberth moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

Mr. Finley offered the following resolution:

Resolved, that during the remainder of the session of this General Assembly this House, beginning today, shall meet on Tuesdays, Wednesdays and Thursdays at 3 o'clock in the afternoon and remain in session until 5 o'clock p. m. and that during said aforenoon sessions the regular order of business shall prevail.

Mr. Sloan moved that said resolution be referred to the Committee on Rules.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Finley and Sawyer A. Smith, were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson,	C. C. Chase,	Chris. Mueller.
Louis W. Arnett,	F. E. Graves,	Jesse F. Nichols,
Elliott B. Beard,	Robert L. Harris,	J. A. Sloan,
J. W. Berkshire,	W. W. Hopkins,	J. A. Sullivan,
P. W. Berkshire,	W. F. Klair,	J. Hal. Woodford, 15

Those who voted in the negative were—

A. A. Allphin,	R. F. Hutchinson,	G. L. Perryman,
O. P. Applegate,	W. Harrison Isaacs,	John C. Pirtle,
F. Pierce Blair,	J. H. Jackson,	J. F. Porter,
O. Houston Brooks,	W. J. Jackson,	R. S. Rector,
Frank J. Brown,	T. C. Jackson,	G. T. Reynolds,
W. N. Brown, Jr.	W. H. Jones,	Isaac G. Rice,
J. T. Buford,	W. L. Kimbrough,	H. A. Schoberth,
Albert Butler,	Cleves G. Kinkead,	W. H. Shanks,
H. K. Cole,	A. T. Lee,	John L. Smith,
W. A. Cope,	E. W. Lillard,	Sawyer A. Smith,
Dr. C. F. Crecelius,	Jasper D. Lowder,	John S. Steers,
John T. Davis,	Hugh Mahin,	R. E. Stewart,
W. A. B. Davis,	Wm. S. Markolf,	W. H. Strange,
Henry H. Denham,	J. B. Maynard,	J. B. Swann,
Thurman B. Dixon,	W. C. McCord,	D. P. Taggart,
Wm. E. Dowling,	Emanuel Meyer,	Eugene W. Tandy,
J. A. Duff,	H. L. Myers,	C. S. Templeman,
W. F. Edmunds,	Duncan Milliken,	Wm. M. Thompson,
Robert Enlow,	Garfield Moore,	Geo. C. Waggoner,
John Feland,	A. C. Oliver,	John P. Wallace,
Thos. E. Finley,	G. W. Parrott,	E. E. Wash,
R. L. Gwathmey,	C. C. Patrick,	W. R. Whitlow,
C. W. G. Hannah,	Samuel. J. Patrick,	W. C. Wynn,
John P. Haswell, Jr.	W. V. Perry,	Geo. S. Wilson,—73
R. Dillard Hunter,		

Pending said roll call and the further consideration of said resolution, the hour of 1:30 p. m. having arrived, the House stood adjourned.

FRIDAY, FEBRUARY 28, 1908.

The House was opened with prayer by Rev. William Crowe, of the Presbyterian Church, Southern Assembly.

The reading of the Journal of yesterday's proceedings was dispensed with.

A message was received from the Senate announcing that they had passed bills which originated in the House of the following titles:

H. B. 26. An act to change the name of the Agricultural and Mechanical College of Kentucky to "State University, Lexington, Kentucky," and to amend parts of the laws with reference to said college, and to make the whole apply to said university.

H. B. 77. An act to define and regulate the assessment of stock in corporations incorporated under the laws of Kentucky and other states and territories of the United States.

H. B. 140. An act for the benefit of the three State Educational Institutions, viz.: State University, Eastern Kentucky State Normal School, and Western Kentucky State Normal School, appropriating money for the purchase of additional grounds, the erection of necessary buildings, furnishing necessary equipments, providing additional revenues for the maintenance of said institutions, and amending the laws with reference thereto.

That they had passed a bill of the following title:

S. B. 135. An act to encourage the establishment and maintenance by private contributions of sanatoria in the Commonwealth of Kentucky for the care and treatment of persons suffering from

pulmonary tuberculosis, commonly known as consumption, and to make an appropriation to assist such sanatoria as may be already established in Kentucky and those that may hereafter be established.

Said bill was ordered printed and referred to the Committee on Appropriations.

The House took up for consideration the unfinished business from yesterday, to-wit the resolution offered by Mr. Finley on yesterday.

(For resolution see yesterday's Journal.)

Mr. Klair offered the following amendment to said resolution:

Strike out the words "beginning today," and insert in lieu thereof the words "beginning March 3d."

Said amendment was agreed to.

Mr. Wilson offered the following substitute for said resolutions:

Resolved, That this House hold afternoon sessions on Tuesdays, Wednesdays and Thursdays, beginning March 3d for the purpose of hearing reports of standing committees, reporting the calendar and consideration of the orders of the day. Said afternoon sessions to begin at 3 o'clock and adjourn at 5 o'clock.

Said substitute was disagreed to.

The yeas and nays being required thereon by Messrs. Finley and Sawyer A. Smith, were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	W. W. Hopkins,	H. A. Schoberth,
Robt. H. Anderson,	R. Dillard Hunter,	W. H. Shanks,
Louis W. Arnett,	J. H. Jackson,	John L. Smith,
Elliott B. Beard,	W. J. Jackson,	John S. Steers,
J. W. Berkshire,	W. F. Klair,	J. A. Sullivan,
F. W. Berkshire,	E. W. Lillard,	J. B. Swann,

O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
J. Will Clay,
Dr. C. F. Crecelius,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
F. E. Graves,
Hugh Mahin,
W. C. McChord,
Duncan Milliken,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson,
J. Hal. Woodford,-44

Those who voted in the negative were—

O. P. Applegate,
F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
H. K. Cole,
W. A. Cope,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
J. A. Duff,
John Feland,
Thos. E. Finley,
S. L. Givan,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
T. C. Jackson,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead.
A. T. Lee,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
H. L. Myers,
Garfield Moore,
Chris. Mueller,
G. W. Parrott,
C. C. Patrick,
Samuel. J. Patrick,
G. L. Perryman,
R. S. Rector,
Isaac G. Rice,
John T. Shanklin,
J. A. Sloan,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
D. P. Taggart,
John P. Wallace,
Harry Weitkamp,
W. C. Wynn;—46

Said resolutions as proposed by Mr. Finley, and as amended was disagreed to.

The yeas and nays being required thereon by Messrs. Finley and Sawyer A Smith, were as follows, viz.:

Those who voted in the affirmative were—

O. P. Applegate,
F. Pierce Blair,
C. W. G. Hannah,
Robert L. Harris,
J. B. Maynard,
H. L. Myers,

W. N. Brown, Jr.	John P. Haswell, Jr.	Samuel J. Patrick,
Albert Butler,	R. F. Hutchinson,	G. L. Perryman,
H. K. Cole,	W. Harrison Isaacs,	R. S. Rector,
W. A. Cope,	T. C. Jackson,	Isaac G. Rice,
John T. Davis,	W. H. Jones,	John T. Shanklin,
W. A. B. Davis,	W. L. Kimbrough,	J. A. Sloan,
Henry H. Denham,	Cleves G. Kinkead,	Sawyer A. Smith,
Thurman B. Dixon,	A. T. Lee,	R. E. Stewart,
J. A. Duff,	Jasper D. Lowder,	W. H. Strange,
John Feland,	Wm. S. Markolf,	D. P. Taggart,
Thos. E. Finley,	Garfield Moore,	John P. Wallace,
S. L. Givan,	G. W. Parrott,	Harry Weitkamp,
R. L. Gwathmey,	C. C. Patrick,	W. C. Wynn. —45

Those who voted in the negative were—

A. A. Allphin,	W. W. Hopkins,	G. T. Reynolds,
Robert H. Anderson,	R. Dillard Hunter,	H. A. Schoberth,
Louis W. Arnett,	J. H. Jackson,	W. H. Shanks,
Elliott B. Beard,	W. J. Jackson,	John L. Smith,
J. W. Berkshire,	W. F. Klair,	John S. Steers,
P. W. Berkshire,	E. W. Lillard,	J. A. Sullivan,
O. Houston Brooks,	Hugh Mahin,	J. B. Swann,
Frank J. Brown,	W. C. McCord,	Eugene W. Tandy,
J. T. Buford,	Duncan Milliken,	C. S. Templeman,
J. Will Clay,	Chris. Mueller,	Wm. M. Thompson,
Dr. C. F. Crecelius,	Jesse F. Nichols,	Geo. C. Waggoner,
Wm. E. Dowling,	A. C. Oliver,	E. E. Wash,
W. F. Edmunds,	W. V. Perry,	W. R. Whitlow,
Robert Enlow,	John C. Pirtle,	Geo. S. Wilson,
F. E. Graves,	J. F. Porter,	J. Hal. Woodford, 48–

By unanimous consent, Mr. Beard of the Committee on Judiciary, to which the same had been referred, reported a bill entitled:

S. B. 108. An act relating to assessment of property for taxation.

Said bill was read the first time at length and ordered to be placed on the calendar.

By unanimous consent the House took up for consideration from the orders of the day a bill entitled:

H. B. 64. An act to promote and compel attendance of children in schools and to prevent truancy in cities of the first, second, third and fourth classes, and to enable Boards of Education or Boards of School Trustees of the first and second classes to establish and maintain parental truant schools for the care and discipline of truant children and for the purpose of reducing truancy.

Mr. Emanuel Meyer moved that the further consideration of said bill be postponed and that the same be made a special order of the day for Tuesday next, March 3d, at 11 o'clock a. m.

Said motion was agreed to.

Mr. Arnett moved that when the House adjourn today it be to meet on Monday next, March 3d, at 12 o'clock meridian.

Said motion was agreed to.

The House then took up for consideration the special order of the day, to-wit: a bill entitled:

H. B. 145. An act to promote and regulate the tobacco industry in Kentucky.

Together with the substitute heretofore proposed therefor by the Committee on Agriculture.

Mr. Sullivan offered an amendment to the substitute.

Pending the consideration of said bill.

The hour of 12 o'clock, meridian, having arrived, the hour for the execution of the joint special order of the day, to-wit: The election of one person as Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. James B. McCreary, whose term of office will expire on the fourth day of

March, 1909, said special order being in pursuance of an act of Congress and the law of Kentucky in such matter made and provided, the members of the Senate of Kentucky appeared and entered upon the floor of the House of Representatives, and in pursuance of a joint rule of the Senate and House of Representatives, Hon. W. J. Gooch, Speaker of the House of Representatives, presided over the joint Assembly. Hon. W. H. Cox, Lieutenant Governor, and President of the Senate, took his seat on the left of the Speaker.

The members of the two Houses were convened in joint Assembly, the same being composed of a majority of all the members elected to both Houses. The roll was called and the following Senators and Representatives answered to their names, viz.:

In the Senate—

Joe F. Bosworth,	G. T. Jarvis,	Hillard H. Smith,
R. B. Brown,	Ben F. Landrum,	Jno. T. Smith,
A. R. Burnam,	Conn Linn,	W. W. Tabb,
J. Wheeler Campbell,	P. S. Maxwell,	E. M. Taylor,
Albert H. Charlton,	H. S. McNutt,	G. A. Taylor,
J. P. Chinn,	L. C. Nell,	John L. Vice,
Thos. A. Combs,	J. W. Newman,	Ed. E. Walker,
Nat. C. Cureton,	A. J. Oliver,	J. J. Watkins,
J. A. Donaldson,	R. W. Owen,	M. G. Watson,
C. B. Ecton,	Sam H. Peters,	Geo. Wilhelmi,
B. C. Grigsby,	E. K. Renaker,	J. W. Wright
O. P. Hogan,	Frank Rives,	G. T. Wyatt—38
R. L. Hubble,	Benjamin Sewell,	

In the House of Representatives—

A. A. Allphin,	Robert L. Harris	John C. Pirtle,
Robert H. Anderson,	John P. Haswell, Jr.	J. F. Porter,
O. P. Applegate,	W. W. Hopkins,	R. S. Rector,

Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
H. K. Cole,
W. A. Cope,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
John Feland,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
R. L. Gwathmey,
C. W. G. Hannah,
R. Dillard Hunter,
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
J. B. Maynard,
W. C. McChord,
H. L. Myers,
Duncan Milliken,
Garfield Moore,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman,
G. T. Reynolds,
Isaac G. Rice,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford
Speaker Gooch,—88

The reading of the journals of yesterday of both Houses, pertaining to the proceedings had in the joint Assembly, was dispensed with.

The joint Assembly proceeded, pursuant to law, to take another (the 29th) joint ballot in the selection of a Senator in the Congress of the United States from the State of Kentucky, as aforesaid, which resulted as follows, viz.:

In the Senate—

Those who voted for Mr. Beckham were—

J. A. Donaldson, R. W. Owen, C. B. Ecton, G. T. Wyatt,—4

Those who voted for Mr. Bradley were—

Joe F. Bosworth, A. R. Burnam, Albert H. Charlton, Nat. C. Cureton, B. C. Grigsby, G. T. Jarvis, Ben F. Landrum, H. S. McNutt, L. C. Nell, A. J. Oliver, Benjamin Sewell, Hillard H. Smith, Jno. T. Smith, G. A. Taylor, John L. Vice, Ed. E. Walker, Geo. Wilhelmi, J. W. Wright,—18

Those who voted for J. C. S. Blackburn were—

J. Wheeler Campbell,

Those who voted for John J. C. Mayo were—

J. W. Newman, M. G. Watson,

Those who voted for Ollie M. James were—

J. P. Chinn, Conn Linn, P. S. Maxwell, Sam H. Peters, W. W. Tabb, E. M. Taylor, J. J. Watkins,

Those who voted for George R. Hunt were—

Thos. A. Combs,

Those who voted for James B. Garnett were—

Frank Rives,

Those who voted for James B. McCreary were—

R. B. Brown, O. P. Hogan, R. L. Hubble,
E. K. Renaker,

In the House of Representatives—

Those who voted for Mr. Beckham were—

A. A. Allphin, W. F. Edmunds, C. S. Templeman,
Elliott B. Beard, Duncan Milliken, Geo. C. Waggoner,
Frank J. Brown, W. V. Perry, W. J. Gooch,—11
J. T. Buford, J. F. Porter,

Those who voted for Mr. Bradley were—

O. P. Applegate, Robert L. Harris, G. W. Parrott,
F. Pierce Blair, John P. Haswell, Jr. C. C. Patrick,
W. N. Brown, Jr. R. F. Hutchinson, Samuel. J. Patrick,
Albert Butler, W. Harrison Isaacs, G. L. Perryman,
H. K. Cole, T. C. Jackson, R. S. Rector,
W. A. Cope, W. H. Jones, Isaac G. Rice,
John T. Davis, W. L. Kimbrough, John T. Shanklin,
W. A. B. Davis, Cleves G. Kinkead, J. A. Sloan,
Henry H. Denham, A. T. Lee, Sawyer A. Smith,
Thurman B. Dixon, E. W. Lillard, R. E. Stewart,
J. A. Duff, Jasper D. Lowder, W. H. Strange,
John Feland, J. B. Maynard, D. P. Taggart,
Thos. E. Finley, H. L. Myers, John P. Wallace,
S L. Givan, Garfield Moore, Harry Weitkamp,
R. L. Gwathmey, Chris. Mueller, W. C. Wynn,—46
C. W. G. Hannah.

Those who voted for Ollie M. James were—

Louis W. Arnett, W. J. Jackson, John L. Smith,
O. Houston Brooks, Jesse F. Nichols, J. B. Swann,—8
F. E. Graves, G. T. Reynolds,

Those who voted for J. Campbell Cantrill were—

Robert H. Anderson,

Those who voted for W. T. Ellis were—

P. W. Berkshire,

Those who voted for James B. McCreary were—

J. W. Berkshire, R. Dillard Hunter, W. C. McCord,
Dr. C. F. Crecelius, Hugh Mahin, J. A. Sullivan,

Those who voted for John J. C. Mayo were—

Wm. E. Dowling, W. W. Hopkins, A. C. Oliver,

Those who voted for James B. Garnett were—

E. E. Wash,

Those who voted for D. H. Smith were—

Robert Enlow, John C. Pirtle,

Those who voted for John R. Allen were—

W. F. Klair, J. Hal. Woodford.

Those who voted for J. W. Cammack were—

J. H. Jackson,

Those who voted for J. A. Sullivan were—

W. H. Shanks,

Those who voted for A. O. Stanley were—

Geo. S. Wilson,

Those who voted for R. H. Elliston were—

John S. Steers,

Those who voted for R. F. Peak were—

Eugene W. Tandy, Wm. M. Thompson,

Those who voted for J. W. Newman were—

H. A. Schoberth,

Those who voted for C. U. McElroy were—

W. R. Whitlow,

In summing up the total vote of the joint Assembly, it was found to stand thus:

For J. C. W. Beckham----------15 votes.
For William O. Bradley----------64 votes.
For James B. McCreary----------10 votes.
For Ollie M. James----------15 votes.
For George R. Hunt---------- 1 vote.
For J. C. S. Blackburn---------- 1 vote.
For J. J. C. Mayo---------- 5 votes.
For James B. Garnett---------- 2 votes.
For J. Campbell Cantrill---------- 1 vote.
For W. T. Ellis---------- 1 vote.
For D. H. Smith---------- 2 votes.
For J. W. Cammack---------- 1 vote.
For John R. Allen---------- 2 votes.

For J. A. Sullivan---------- 1 vote.
For A. O. Stanley---------- 1 vote.
For R. H. Elliston---------- 1 vote.
For R. F. Peak---------- 2 votes.
For J. W. Newman---------- 1 vote.
For C. U. McElroy---------- 1 vote.

Total number of votes cast----------127

It appearing that William O. Bradley has received a majority of all the votes cast, a majority of all the members elected to both Houses of the General Assembly being present and voting, the Speaker above named, announced and declared that the said William O. Bradley is duly and regularly elected a Senator in the Congress of the United States from the State of Kentucky for a term of six years to succeed Hon. James B. McCreary, whose term of office will expire on the fourth day of March, 1909.

The following pairs were announced:

Mr. Simmons with Mr. Chase. Mr. Simmons, if present, would vote for Mr. Beckham and Mr. Chase, if present, would vote for Mr. Bradley.

Mr. Clay with Mr. Knox. Mr. Clay, if present, would vote for Mr. Beckham, and Mr. Knox, if present, would vote for Mr. Bradley.

Mr. Stump with Mr. Cornett. Mr. Stump, if present, would vote for Mr. Beckham, and Mr. Cornett, if present, would vote for Mr. Bradley.

Mr. F. M. Hutcheson, Jr. with Mr. Emanuel Meyer. Mr. Hutcheson, if present, would vote for Mr. Beckham, and Mr. Meyer, if present, would vote for Mr. Bradley.

Mr. Richardson with Mr. Markolf. Mr. Richardson, if present,

would vote for Mr. Beckham, and Mr. Markolf, if present, would vote for Mr. Bradley.

The Journals of both Houses of today's proceedings pertaining to the joint special order of the day, to-wit; the election of a Senator in the Congress of the United States from the State of Kentucky as set out above, were read and approved.

Mr. Klair moved that the joint assembly do now dissolve sine die.

Said motion was agreed to.

The Senators retired, and the Speaker called the House to order.

The hour of 1:30 o'clock p. m. having arrived, the House stood adjourned until Monday next, at 12 o'clock, meridian.

MONDAY, MARCH 2, 1908.

The House was opened with prayer by Rev. A. B. Chinn, of the Protestant Episcopal Church.

The Journal of the proceedings of Friday last, the 28th ult. was read and approved.

Upon the call of the counties and Representative districts bills and a joint resolution were introduced, ordered printed and referred, as follows, viz.:

By Mr. Lilliard:

H. B. 414. An act regulating the militia of the Commonwealth

of Kentucky and repealing all other laws or parts of laws relating thereto.

Referred to Committee on Military Affairs.

By Mr. Shanks:

H. B. 415. An act regulating the time and period of daily service of operatives and employes of common carriers.

Referred to Committee on Railroads.

By Mr. Cope:

H. B. 416. An act to abolish the office of Assessor and to provide for the taking of assessment of property by Justices of the Peace in their respective magisterial districts of the county wherein they reside.

Referred to Committee on County and City Courts.

By Mr. Milliken:

H. B. 417. An act to regulate the charges for transportation of freight and passengers by steamboat or other common carriers upon the waters wholly within the State of Kentucky, and to further increase and define the powers and duties of the Railroad Commission.

Referred to Committee on Kentucky Statutes.

By Mr. Sawyer A. Smith:

H. B. 418. An act to protect the consumers of coal.

Referred to Committee on Mines and Mining.

By same:

H. B. 419. An act requiring coal operators to register with county clerk a complete analysis of every coal seam of coal.

Referred to Committee on Mines and Mining.

By Mr. Kinkead:

H. B. 420. An act to permit the Establishment of a Brigade of Naval militia.

Referred to Committee on Military Affairs.

By Mr. Strange:

H. B. 421. An act to amend section 280 and repeal section 281 of the Criminal Code of Practice.

Referred to Committee on Codes of Practice.

By same:

H. B. 422. An act to establish a course of instruction in rural engineering, provide qualifications for the office of road supervisor and an appropriation for the purpose of carrying on the work of instruction in rural engineering.

Referred to Committee on Internal Improvements.

By Mr. Graves:

H. B. 423. An act to amend section No. 576 Kentucky Statutes, Carroll's edition of 1903.

Referred to Committee on Kentucky Statutes.

By same:

H. B. 424. An act to repeal an act entitled, An act to regulate the carrying, moving, delivering, transferring or distributing of intoxicating liquors in local option districts.

Referred to Committee on Kentucky Statutes.

By Mr. J. H. Jackson:

H. B. 425. An act to amend section 4481 of the Kentucky Statutes compiled and edited by Hon. John D. Carroll and issued in the year 1903.

Referred to Committee on Education No. 1.

By Mr. W. N. Brown, Jr.

H. B. 426. An act to further amend and re-enact an act to protect game and small birds.

Referred to Committee on Fish, Game and Forestry.

By Mr. C. C. Patrick:

H. B. 427. An act to prevent fraud in the sale of live stock and to prescribe a penalty therefore.

Referred to Committee on Criminal Law.

By Mr. Schoberth:

H. B. 428. An act for the safety of employes engaged in the operation of trains on the railroads of this State, and to prevent the use of a caboose car known as a "Dinky" or four wheeled car.

Referred to Committee on Railroads.

By Mr. Enlow:

H. B. 429. An act to amend an act entitled, An act to regulate the sale of intoxicating Liquors by wholesale in this Commonwealth, which was approved March 22, 1904, and as amended by an act approved March 21, 1906.

Referred to Committee on Public Morals.

By Mr. John L. Smith:

H. B. 430. An act to amend sections 4404 and 4449 of the Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

By Mr. Pirtle:

H. B. 431. An act to regulate the speed rate of freight transportation by railroad companies and to provide a penalty for the violation of the same.

Referred to Committee on Railroads.

By same:

H. B. 432. An act to regulate storage charges by common carriers.

Referred to Committee on Railroads.

By Mr. S. J. Patrick:

H. B. 433. An act entitled, An act to amend so much of Section 1732, Article 4, Chapter 47, Kentucky Statutes, 1903, which relates to the fees that may be charged by the County Judges in the Quarterly Courts.

Referred to Committee on County and City Courts.

By Mr. Stump:

H. B. 434. An act to prevent frauds in the sale of live stock and to prescribe a penalty therefor.

Referred to Committee on Criminal Law.

By Mr. J. H. Jackson:

H. B. 435. An act to appropriate money to keep the new Capitol and grounds in order.

Referred to Committee on State Capitol.

By Mr. Haswell:

H. Res. 9. Resolution for the benefit of B. F. Beard & Co. and Hardin & Payne.

Referred to Committee on Judiciary.

Mr. Steers, of the Committee on Enrollments, reported that they had examined and found correctly enrolled bills which originated in the House of the following titles:

H. B. 26. An act to change the name of the Agricultural and Mechanical College of Kentucky to State University, Lexington, Kentucky, and to amend parts of the laws with reference to said College and to make the whole apply to said University.

H. B. 36. An act amending an act entitled, An act for the government of cities of the Fourth Class, approved June 28, 1893.

H. B. 44. An act to amend an act, entitled, An act for the benefit of the Children's Home Society.

H. B. 77. An act to define and regulate the assessment of stock in corporations incorporated under the laws of Kentucky and other states and territories of the United States.

H. B. 157. An act for preventing the manufacture and sale of adulterated or misbranded foods, drugs, medicines and liquors.

Thereupon all business was suspended and said bills were severally read and compared in open session, and the same being found correctly enrolled, the Speaker in open session in the presence of the House affixed his signature thereto.

Ordered, that the Enrolling Clerk deliver the same to the Senate for like action on their part.

The House then took up for consideration the unfinished business from Friday last, the 28th ult., to-wit: a bill entitled:

H. B. 45. An act to promote and regulate the tobacco industry in Kentucky.

Pending the consideration of said bill, the hour of 2 o'clock p. m. having arrived, the House stood adjourned.

TUESDAY, MARCH 3, 1908.

The House was opened with prayer by Rev. C. R. Hudson, of the Christian Church.

The reading of the Journal of yesterday's proceedings was dispensed with.

A message was received from the Senate announcing that they had passed bills and adopted a joint resolution of the following titles, viz.:

S. B. 27. An act for the benefit of the office of Attorney General, to provide for assistants, defining their duties and fixing their compensation and providing for certain records to be kept in the office.

S. B. 103. An act to provide for an annual school of county and city health officers and to provide for the conduct and expense of the same.

S. B. 172. An act to prevent abuse in the branding of and requiring the proper cleaning of dairymen's shipping cans.

S. B. 191. An act to amend an act for the erection, maintenance and protection of public levees.

S. Res. 6. Resolution for the benefit of the custodian of public buildings.

Said bills and resolution were ordered to be printed and referred.

First. To the Committee on Judiciary.

Second. To the Committee on County and City Courts.

Third. To the Committee on Public Health.

Fourth. To the Committee on Internal Improvements.

Fifth. To the Committee on Appropriations.

Mr. Beard offered the following resolution, viz.:

Resolved by the House of Representatives of Kentucky, That the sum of three hundred and five ($305.00) dollars be appropriated out of the contingent expenses of the House for the purpose of paying the expenses of the Committee on Charitable Institutions on their visits of inspection to Lakeland, Pewee Valey, Hopkinsville, Danville and Lexington. The same to be paid to the Sergeant-at-arms of the House, and the clerk of the House is directed to certify this amount to the Auditor.

Said resolution was agreed to.

The House took up for consideration the unfinished business from yesterday, to-wit: A bill entitled:

H. B. 145. An act to promote and regulate the tobacco industry in Kentucky.

Together with the substitute proposed therefor by the Committee on Agriculture and the amendment thereafter proposed by said committee to said substitute.

Also the amendment proposed by Mr. Sullivan to said substitute.

Said bill is as follows:

Whereas, One-third of all kinds of tobacco grown in the United States, and ninety per cent of certain kinds of tobacco pro-

duced therein is grown in Kentucky; and whereas by reason of the small territory in which tobacco can be successfully produced, trade in tobacco can easily be, and has been monopolized, to the great injury of many thousand citizens of Kentucky who are engaged in growing tobacco; and whereas by reason of the unfair methods of such monopoly and consequent injury to such citizens, acts of lawlessness, violence and disorder have recently occurred, and a state of unrest exists throughout this Commonwealth, and whereas the use of tobacco in many instances is productive of injurious effects; and whereas deleterious substances are used in the manufacture and growing of tobacco; by reason of all which conditions public policy demands that the tobacco industry in Kentucky be regulated by and placed under the police power of the State. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. All persons, corporations of foreign governments who may be engaged in the occupation of manufacturing tobacco in this State, or in buying leaf or unmanufactured tobacco therein for the purpose of the same being used by them, or some other person or corporation under control of the purchasers, for the purpose of using the same in the manufacture of tobacco in this State or elsewhere, are hereby required to transact the business of purchasing or manufacturing tobacco in this State under and subject to the provisions of this law, and shall, before engaging in either of said occupations, or continuing the same after this law goes into effect, procure and pay license therefor as hereinafter provided.

§ 2. The license to engage in either of said occupations shall be granted by the Commissioner of Agriculture of Kentucky, on the applicant for such license complying with all the provisions of this law, and paying into the Treasury of this State a sum equal to ten cents on each one thousand pounds of tobacco purchased in this

State for the purpose as stated in section 1 of this act, or manufactured in this State by the applicant, or persons or corporations controlled by it, within one year next before the time the application is made for such license. If any such purchaser of such tobacco is a manufacturer of tobacco in this State, and the quantity purchased in this State for the purpose of manufacture during such manufactured in this State during said time is greater than the quantity purchased in this State for the purpose of manufacture during such time, then the amount to be paid for such license shall be computed on the quantity manufactured in this State during said time; and if the quantity of tobacco purchased in this State for the purpose of being manufactured out of the State be greater than the amount of tobacco manufactured in this State by the applicant during said time, then the amount to be paid for such license shall be computed on the amount so purchased. If the applicant for license be a foreign government, the agent for such government may make the application and take the license in his individual name; and in case the license be granted to the agent, he and his principal shall in all respects be subject to and governed by all the provisions of this law. The amount to be paid for such license by each applicant shall be determined by the Commissioner of Agriculture on the statement of the applicant as hereinafter required to be filed, or on such other evidence of such facts as the Commissioner of Agriculture may require. The money realized under the provisions of this law from license shall be set apart by the Treasurer of this State as a separate fund, and it is such portion thereof as shall be deemed necessary and shall be expended as hereinafter provided for the purposes of fostering the tobacco industry in this State.

§ 3. Any person, corporation or government which may not have been engaged in the purchase of tobacco for the purpose of manufacture by him or it for as long a time as one year next before

the application for license may be made, shall pay for such license the sum of One Hundred Dollars ($100.00).

§ 4. All licenses granted under this law shall be for one year, or until revoked as hereinafter provided; and in case any license be revoked prior to the time of its expiration, the amount paid therefor shall be forfeited to the State.

§ 5. For the purpose of enabling the Commissioner of Agriculture to determine the correct amount to be paid for license (except as definitely fixed by section 3 of this act), the person, or chief officer or agent in this State of a corporation, or of any foreign government, making the application, shall file in the office of the Commissioner of Agriculture a statement, sworn to by the person making the application, showing the following facts:

First. (If a corporation.) The name and principal place of business of the corporation in this State and elsewhere.

Second. The name of the State or government in which the corporation was incorporated, and the date of incorporation.

Third. The name or names of all subsidiary corporations engaged in the manufacture of tobacco purchased in this State, or in which the applicant owns a controlling interest, or a majority of the capital stock thereof, also whether it or its capital stock or a controling interest therein is owned or controlled by any other corporation or the shareholders of any other corporation; if so, the names and addresses of any such controlling authority.

Fourth. If the applicant be the agent of a foreign government, he will state the name of the government he represents.

Fifth. The length of time engaged in the purchase of leaf tobacco in this State, or in the manufacture of tobacco in this State or elsewhere, and the place or places where the tobacco factories are maintained.

Sixth. The number of pounds of leaf tobacco purchased in Kentucky for the purpose of being manufactured by the applicant, and

the number of pounds of leaf tobacco manufactured by such applicant in Kentucky within one year next before the application is made, and whether or not any deleterious substance is being put into any tobacco or brand tobacco manufactured by it.

Seventh. The number of pounds of each kind or class of tobacco purchased in Kentucky during the time and for the purposes stated in the next preceding subsection, and the number of pounds of the different kinds or classes of tobacco or manufactured in Kentucky by the applicant, or person or corporation under its control or which controls it during said time.

Eighth. The average price paid for each different kind or class of tobacco purchased in this State during said time.

Ninth. Any other facts which the Commissioner of Agriculture may deem proper (not inconsistent with the constitution or laws of this State or of the United States), shall be answered, to enable him to correctly determine the amount to be paid for such license, or to determine any other facts necessary for him to know that he may faithfully and fully discharge all his duties under or to secure the enforcemet of this law.

Tenth. Any person making a false answer to any statement required to be made, shall be guilty of the crime of false swearing, and shall be punished as provided by law for such offenses.

§ 6. If the statement filed as required by section 5 of this act discloses or if the fact be that the person making the application for such license, or his principal or the principal and persons or corporation under its control, or others who were in a combination with the principal, had, during one year next before the time the application for license be made, purchased and manufactured or used in its or their business as much as fifty per cent of the tobacco

produced in Kentucky or as much as fifty per cent of any one kind or class of tobacco produced therein during one year next before the time such application shall be made, such person or corporation shall, for the purposes of this law, be deemed and held to be a trust and monoply, and to have monopolized the trade in such tobacco of which such per cent, or more is a part, and shall not be granted license unless it shall enter into a contract to and with the Commonwealth of Kentucky (and which contract shall continue during the existence of the license) to the effect that such trust or monopoly will not directly or indirectly discriminate in favor of or against any person in the purchase of leaf tobacco in this State; and that it will not resort to any device, scheme, combination or confederation with any other person for the purpose of depriving any seller of leaf tobacco of a reasonable and fair price therefor; and that it will conform to and obey all such reasonable rules and regulations that may be adopted from time to time by the Commissioner of Agriculture to protect the tobacco growers of this State from oppressive methods which in the judgment of the Commissioner may be practiced by any such trust or monopoly by its manner of purchasing leaf tobacco; of which rules the trust shall have reasonable notice.

§ 7. The license that may be granted to any trust under this law shall not protect it from any prosecution for violating the anti-trust laws of this State, nor shall any statement filed in the office of the Commissioner of Agriculture by any such trust or monopoly, or any contract entered into by it with the State be used as evidence against such trust and monopoly in any prosecution against it for violating the general anti-trust laws of this State; nor for any other purposes except in actions or prosecutions for violating the provisions of this Act, and except in prosecutions for false swearing to statements required to be filed by section 5 of this Act.

§ 8. For the purpose of putting this Act into effective opera-

tion, the Commissioner of Agriculture shall, from time to time adopt and record in a book to be kept in his office for that purpose, all such reasonable rules and regulations for the proper government and control of all such trusts and monopolies as may have license, that all such concerns may be prevented from oppression or defrauding persons engaged in raising and selling leaf tobacco.

§ 9. The Commissioner of Agriculture shall have printed all necessary blank forms of applications for license, blank forms of license, and with the assistance of the Attorney General, prepare and have printed blank forms of contracts to be executed by all trusts and monopolies as is required by this Act. The forms of license shall, so far as may be practicable, be the same as forms provided for by the general laws of this State for other occupations. The license, when issued, shall not take effect, nor confer any authority to do business thereunder, until the amount due the State therefor shall have been paid into the State treasury by the applicant, and the receipt of the Treasurer for the money paid endorsed thereon.

§ 10. The Commissioner of Agriculture shall, by and with the advice and consent of the Governor, appoint some suitable person as Assistant Commissioner of Agriculture, who shall hold his office during the term of the Commission of Agriculture, unless removed from office by the Commissioner, which he may do at any time, and appoint a successor, subject to the approval of the Governor. The Assistant shall, under the direction of the Commissioner of Agriculture, investigate the methods of transacting business by all persons and corporations engaged in buying leaf tobacco and manufacturing same, who are required to have license under this law; especially the methods of purchasing leaf tobacco in this State, of all trusts and monopolies; and shall have power to summon and swear witnesses and shall reduce to writing such testimony taken before him; and shall report in writing from time to time to the

Commissioner of Agriculture, and file in his office all testimony taken; and shall make such recommendation as he may deem proper at the revocation of license as hereinafter provided; and to discharge all such other duties that the Commissioner of Agriculture may require.

For his services the Assistant Commissioner shall be paid an annual salary of two thousand four hundred dollars, payable in monthly installments and all necessary traveling expenses while engaged in the discharge of the duties of his office, which salary and all expenses of the Assistant Commissioner and all other expenses that may be incurred under this law, shall be paid out of said tobacco fund (and not otherwise) by warrant of the Auditor on the Treasurer, on the recommendation of the Commissioner of Agriculture, with the approval of the Governor. No money shall be paid out of said fund unless an itemized account shall be rendered, accompanied by an affidavit of the claimant showing the correctness and reasonableness of the charges.

§ 11. Any person or corporation which shall violate any provision of this Act, or any trust or monoply which shall violate any portion of its contract, shall forfeit the license and the amount paid therefor.

§ 12. Whenever the Comissioner of Agriculture has reasonable grounds to believe that any person or corporation has violated any provision of this law, or that any trust or monoply has violated any provision of this law or any part of its contract, or rule or regulation adopted by the Commissioner as hereinbefore provided, it shall be the duty of such Commissioner to file in the office of the Clerk of the Franklin Circuit Court a written statement of the acts occurring in any part of this State constituting a forfeiture of the license; or he may file such statement in the office of the Clerk of a circuit court in any county in this State in which the violation may have occurred. The Franklin Circuit Court shall have con-

current jurisdiction with all circuit courts in this State for the trial of proceedings under this section. Immediately after filing of such statement, the Commonwealth's Attorney of the district, or the County Attorney of the county in which such statement may be filed, and at the request of the Commissioner of Agriculture, shall institute an ordinary action in the Circuit Court of the county in which such statement may be filed, in the name of the Commonwealth of Kentucky against the offending party, stating the facts which it is claimed constitute the forfeiture of license, in which action proceedings may be had as in other civil actions by ordinary proceedings. On trial, if the defendant be convicted, the court shall adjudge that the license issued by the Commissioner of Agriculture to such defendant shall be cancelled and revoked, and the defendant shall not be granted another license to transact such business, except on the payment of twice the amount of license tax as hereinbefore provided.

§ 13. The Commissioner of Agriculture shall establish, and have under his control and in his office, a bureau of information and statistics concerning the growing, handling and selling of tobacco in this State, and shall take such steps as he may deem proper, subject to the approval of the Governor, to foster and promote the tobacco industry and interest in this State, and the welfare of all tobacco growers therein; and for that purpose shall, with the approval of the Governor, employ such clerical and other assistance as he may deem necessary to comply with, and to enforce the provisions of this law. All expenses incident to the discharge of the duties of the Commissioner of Agriculture and his employees under this section shall be paid out of the tobacco fund, and not otherwise

§ 14. Any person or corporation who are required to procure license by the provisions of this law, who shall engage in purchasing or manufacturing tobacco in this State without license, shall be fined not less than one hundred, nor more than one thousand

dollars for each day he or it may engage in such business without license.

§ 15. It shall be unlawful for any person engaged in growing tobacco to put on any growing tobacco any poisonous substance for the purpose of destroying worms or insects, or for any other purpose. Any person guilty of such offense shall be fined for each offense not less than fifty, nor more than one hundred dollars, and it shall be the duty of the Assistant Commissioner of Agriculture to make investigation from time to time throughout the tobacco-growing sections of this State concerning the violation of this law, to require compliance with the provisions of this section by tobacco growers, and to have prosecutions instituted against all violators thereof.

§ 16. It shall be unlawful for any person having the possession of tobacco, the title of which is vested in another, to sell or otherwise dispose of such tobacco without the consent of the person in whom the title is vested. Any person guilty of such an offense shall be fined not less than one hundred nor more than five hundred dollars for each offense. Any person having notice of the matter in which such tobacco may be held, who shall purchase such tobacco and secure the possession thereof without the consent of the person in whom the title is vested, shall be guilty of a misdemeanor, and on conviction shall be fined for each offense not less than One Hundred, nor more than One Thousand Dollars.

§ 17. An emergency is declared to exist for the immediate operation of this law; therefore, the same shall become operative and in full force and effect from and after its passage and approval by the Governor.

The substitute as first proposed therefor by the Committee on Agriculture is as follows:

AN ACT to promote and regulate the tobacco industry in Kentucky:

WHEREAS, One-third of all kinds of tobacco grown in the United States, and ninety per cent of certain kinds of tobacco produced therein is grown in Kentucky; and whereas by reason of the small territory in which tobacco can be successfully produced, trade in tobacco can easily be, and has been monopolized, to the great injury of many thousand citizens of Kentucky who are engaged in growing tobacco; and whereas by reason of the unfair methods of such monopoly and consequent injury to such citizens, acts of lawlessness, violence and disorder have recently occurred, and a state of unrest exists throughout this Commonwealth, and whereas the use of tobacco in many instances is productive of injurious effects; and whereas deleterious substances are used in the manufacture and growing of tobacco; by reason of all of which conditions public policy demands that the tobacco industry in Kentucky be regulated by and placed under the police power of the State. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. All persons, corporations or foreign governments who may be engaged in the occupation of manufacturing tobacco grown in this State, or in buying such leaf or unmanufactured tobacco for the purpose of the same being used by them, or some other person or corporation under the control of the purchasers, for the purpose of using the same in the manufacturer of tobacco in this State or elsewhere, are hereby required to transact the business of purchasing or manufacturing tobacco in this State under and subject to the provisions of this law, and shall, before engaging in either of said occupations, or continuing the same after this law goes into effect, procure and pay license therefor as hereinafter provided.

§ 2. The license to engage in either of said occupations shall be granted by the Commissioner of Agriculture of Kentucky, on the applicant of such license complying with all the provisions of this

law, and paying into the Treasury of this State a sum equal to ten cents on each one thousand pounds of tobacco grown in this State and which may have been purchased in this State or elsewhere for the purpose as stated in section 1 of this act, or manufactured in this State by the applicant, or persons or corporations controlled by it, within one year next before the time the application is made for such license. If any such purchaser of such tobacco is a manufacturer of tobacco in this State, and the quantity manufactured in this State during said time is greater than the quantity purchased for the purpose of manufacture during such time, then the amount to be paid for such license shall be computed on the quantity manufactured in this State during said time; and if the quantity of such tobacco purchased in this State or elsewhere for the purpose of being manufactured in this State or elsewhere be greater than the amount of tobacco manufactured in this State by the applicant during said time, then the amount to be paid for such license shall be computed on the amount so purchased. If the applicant for license be a foreign government, the agent for such government may make the application and take the license in his individual name; and in case the license be granted to the agent, he and his principal shall in all respects be subject to and governed by all the provisions of this law. The amount to be paid for such license by each applicant shall be determined by the Commissioner of Agriculture on the statement of the applicant as hereinafter required to be filed, or on such other evidences of such facts as the Commissioner of Agriculture may require. The money realized under the provisions of this law from license shall be set apart by the Treasurer of this State as a separate fund, and it or such portion thereof as shall be deemed necessary shall be expended as hereinafter provided for the purposes of fostering the tobacco industry of this State.

§ 3. Any person, corporation or government which may not have been engaged in the purchase of tobacco for the purpose of

manufacture by him or it for as long a time as one year next before the application for license may be made, shall pay for such license the sum of One Hundred Dollars ($100.00).

§ 4. All license granted under this law shall be for one year, or until revoked as hereinafter provided; and in case any license be revoked prior to the time of its expiration, the amount paid therefor shall be forfeited to the State.

§ 5. For the purpose of enabling the Commissioner of Agriculture to determine the correct amount to be paid for license (except as definitely fixed by section 3 of this act), the person, or chief officer or agent in this State of a corporation, or of any foreign governcer or agent in this State of a corporation, or of any foreign government, making the application, shall file in the office of the Commissioner of Agriculture a statement, sworn to by the person making the application, showing the following facts:

First. (If a corporation). The name and principal place of business of the corporation in this State and elsewhere.

Second. The name of the State or government in which the corporation was incorporated, and the date of incorporation.

Third. The name or names of all subsidiary corporations engaged in the manufacture of tobacco (grown in this State) purchased, or in which the applicant owns a controlling interest, or a majority of the capital stock thereof, also whether it or its capital stock or a controlling interest therein is owned or controlled by any other corporation or the shareholders of any other corporation; if so, the names and addresses of any controlling authority.

Fourth. If the applicant be the agent of a foreign government, he will state the name of the government he represents.

Fifth. The length of time engaged in the purchase of leaf

tobacco grown in this State, or in the manufacture of such tobacco in this State or elsewhere, and the place or places where the tobacco factories are maintained.

Sixth. The number of pounds of Kentucky grown leaf tobacco purchased in Kentucky or elsewhere for the purpose of being manufactured by the applicant, and the number of pounds of such leaf tobacco manufactured by such applicant in Kentucky within one year next before the application is made, and whether or not any deleterious substance is being put into any tobacco or brand tobacco manufactured by it.

Seventh. The number of pounds of each kind or class of Kentucky grown tobacco purchased in Kentucky or elsewhere during the time and for the purposes stated in the next preceding subsection, and the number of pounds of the different kinds or classes of such tobacco manufactured in Kentucky or elsewhere by the applicant, or person or corporation under its control or which controls it during said time.

Eighth. The average price paid for each different kind or class of such tobacco purchased in this State or elsewhere during said time.

Ninth. Any other facts which the Commissioner of Agriculture may deem proper (not inconsistent with the constitution or laws of this State or of the United States), shall be answered, to enable him to correctly determine the amount to be paid for such license, or to determine any other facts necessary for him to know that he may faithfully and fully discharge all his duties under or to secure the enforcement of, this law.

Tenth. Any person making a false answer to any statement required to be made, shall be guilty of the crime of false swearing, and shall be punished as provided by law for such offenses.

§ 6. If the statement filed as required by section 5 of this act discloses or if the fact be that the person making the application for such license, or his principal or the principal and persons or corporation under its control, or others who were in a combination with the

principal, had, during one year next before the time the application for license be made purchased or manufactured or used in its or their business as much as fifty per cent of the tobacco produced in Kentucky, or as much as fifty per cent of any one kind or class of tobacco produced therein during one year next before the time such application shall be made, such person or corporation shall, for the purposes of this law, be deemed and held to be a trust and monopoly, and to have monopolized the trade in such tobacco of which such per cent, or more is a part, and shall not be granted license unless it shall enter into a contract to and with the Commonwealth of Kentucky (and which contract shall continue during the existence of the license) to the effect that such trust or monopoly will not directly or indirectly discriminate in favor of or against any person in the purchase of such leaf tobacco; and that it will not resort to any device, scheme, combination or confederation with any other person for the purpose of depriving any seller of such leaf tobacco of a reasonable and fair price therefor; and that it will conform to and obey all such reasonable rules and regulations, that may be adopted from time to time by the Commissioner of Agriculture to protect the tobacco growers of this State from oppressive methods which in the judgment of the Commissioner may be practiced by any such trust or monopoly by its manner of purchasing such leaf tobacco; of which rules the trust shall have reasonable notice.

§ 7. The license that may be granted to any trust under this law shall not protect it from any prosecution for violating the anti-trust laws of this State, nor shall any statement filed in the office of the Commissioner of Agriculture by any such trust or monopoly or any contract entered into by it with the State be used as evidence against such trust and monopoly in any prosecution against it for violating the general anti-trust laws of this State; nor for any other purposes except in actions or prosecutions for violating the provisions of this Act, and except in prosecutions for false swearing to statements required to be filed by section 5 of this Act.

§ 8. For the purpose of putting this Act into effective operation, the Commissioner of Agriculture shall, from time to time adopt and record in a book to be kept in his office for that purpose, all such reasonable rules and regulations for the proper government and control of all such trusts and monopolies as may have license, that all such concerns may be prevented from oppression or defrauding persons engaged in raising and selling leaf tobacco.

§ 9. The Commissioner of Agriculture shall have printed all necessary blank forms of applications for license, blank forms of license, and with the assistance of the Attorney General, prepare and have printed blank forms of contracts to be executed by all trusts and monopolies as is required by this Act. The forms of license shall, so far as may be practicable, be the same forms provided for by the general laws of this State for other occupations. The license, when issued, shall not take effect, nor confer any authority to do business thereunder, until the amount due the State therefor shall have been paid into the State Treasury by the applicant, and the receipt of the Treasurer for the money paid endorsed thereon.

§10. The Commissioner of Agriculture shall, by and with the advice and consent of the Governor, appoint some suitable person as Assistant Commissioner of Agriculture, who shall hold his office during the term of the Commission of Agriculture, unless removed from office by the Commissioner, which he may do at any time, and appoint a successor, subject to the approval of the Governor. The Assistant shall, under the direction of the Commissioner of Agriculture, investigate the methods of transacting business by all persons and corporations engaged in buying leaf tobacco and manufacturing same, who are required to have license under this law; especially the methods of purchasing leaf tobacco in this State, of all trusts and monopolies; and shall have the power to summon and swear witnesses and shall reduce to writing such testimony taken before him; and shall report in writing from time to time to the

Commissioner of Agriculture, and file in his office all testimony taken; and shall make such recommendation as he may deem proper at the revocation of license as hereinafter provided; and to discharge all such other duties that the Commissioner of Agriculture may require.

For his services the Assistant Commissioner shall be paid an annual salary of two thousand four hundred dollars, payable in monthly installments and all necessary traveling expenses while engaged in the discharge of the duties of his office, which salary and all expenses of the Assistant Commissioner and all other expenses that may be incurred under this law, shall be paid out of said tobacco fund (and not otherwise) by warrant of the Auditor on the Treasurer, on the recommendation of the Commissioner of Agriculture, with the approval of the Governor. No money shall be paid out of said funds unless an itemized account shall be rendered, accompanied by an affidavit of the claimant showing the correctness and reasonableness of the charges.

§ 11. Any person or corporation which shall violate any provision of the Act, or any trust or monopoly which shall violate any provision of this law or any portion of its contract or rule or regulation adopted by the Commissioner of Agriculture shall forfeit the license and the amount paid therefor.

§ 12. Whenever the Commissioner of Agriculture has reasonable grounds to believe that any person or corporation has violated any provision of this law, and that any trust or monopoly has violated any provision of this law or any part of its contract, or rule or regulation adopted by the Commissioner as hereinbefore provided, it shall be the duty of such Commissioner to file in the office of the Clerk of the Franklin Circuit Court a written statement of the acts occurring in any part of this State constituting a forfeiture of the license; or he may file such statement in the office of the Clerk of a circuit court in any county in this State in which the violation may have occurred The Franklin Circuit Court shall have concurrent jurisdiction with all

circuit courts in this State for the trial of proceedings under this section. Immediately after the filing of such statement, the Commonwealth's Attorney of the district, or the County Attorney of the county in which such statement may be filed, and at the request of the Commissioner of Agriculture shall institute an ordinary action in the Circuit Court of the county in which such statement may be filed, in the name of the Commonwealth of Kentucky against the offending party, stating the facts which it is claimed constitute the forfeiture of license, in which action proceeding may be had as in other civil actions by ordinary proceedings. On the trial, if the defendant be convicted, the court shall adjudge that the license issued by the Commissioner of Agriculture to such defendant shall be cancelled and revoked, and the defendant shall not be granted another license to transact such business, except on the payment of twice the amount of license tax as hereinbefore provided.

§ 13. The Commissioner of Agriculture shall establish, and have under his control and in his office, a bureau of information and statistics concerning the growing, handling and selling of tobacco in this State, and shall take such steps as he may deem proper, subject to the approval of the Governor, to foster and promote the tobacco industry and interest in this State, and the welfare of all tobacco growers therein; and for that purpose shall, with the approval of the Governor, employ such clerical and other assistance as he may deem necessary to comply with, and to enforce the provisions of this law. All expenses incident to the discharge of the duties of the Commissioner of Agriculture and his employees under this section shall be paid out of the tobacco fund, and not otherwise.

§ 14. Any person or corporation who are required to procure license by the provisions of this law, who shall engage in purchasing or manufacturing tobacco grown in this State without license, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than one hundred, nor more than one thousand dollars for each day he or it may engage in such business without license.

§ 15. It shall be unlawful for any person having the possession of tobacco, the title of which is vested in another, to sell or otherwise dispose of such tobacco without the authority from the person in whom the title is vested. Any person guilty of such an offense shall be fined not less than one hundred nor more than five hundred dollars for each offense. Any person having notice of the matter in which such tobacco may be held, who shall purchase such tobacco and secure the possession thereof without the consent of the person in whom the title is vested, shall also be guilty of a misdemeanor, and on conviction shall be fined for each offense not less than One Hundred, nor more than One Thousand Dollars.

§ 16. An emergency is declared to exist for the immediate operation of this law; therefore, the same shall become operative and in full force and effect from and after its passage and approval by the Governor.

The amendment as proposed to said substitute by the said committee is as follows:

"Strike out Sections 15 and 16."

Said amendment was agreed to.

The amendments as heretofore proposed by Mr. Sullivan to said substitute are as follows, viz.:

1st. That the word "grown" in line 2 of Section 1 be stricken out.

2d. That the word "such" in the third line of section 1 of said bill be stricken out and these words inserted after the word "tobacco" in the third line of section 1, viz.: "grown in the State."

3rd. That the words "one hundred dollars ($100.00)" be stricken out in line 5 of section 3, and this be inserted, viz.: "twenty dollars ($20.00)."

Said amendments were severally agreed to.

Mr. Shanks moved that the present session of the House be extended until the bill under consideration is disposed of.

Mr. Hannah moved that said motion lie on the table.

Said last named motion was disagreed to.

The yeas and nays being required thereon by Messrs. Hannah and Harris were as follows, viz.:

Those who voted in the affirmative were—

John T. Davis,	C. W. G. Hannah,	J. B. Maynard,
W. A. B. Davis,	Robert L. Harris,	H. L. Myers,
Henry H. Denham,	T. C. Jackson,	Garfield Moore,
Thurman B. Dixon,	W. L. Kimbrough,	G. L. Perryman,
W. F. Edmunds,	Cleves G. Kinkead,	Isaac G. Rice,
John Feland,	A. T. Knox,	Sawyer A. Smith,
Thos. E. Finley,	Wm. S. Markolf,	John P. Wallace,—22
R. L. Gwathmey,		

Those who voted in the negative were—

A. A. Allphin,	R. Dillard Hunter,	H. A. Schoberth,
Robt. H. Anderson,	R. F. Hutchinson,	W. H. Shanks,
O. P. Applegate,	W. Harrison Isaacs,	John T. Shanklin,
Louis W. Arnett,	J. H. Jackson,	J. A. Sloan,
Elliott B. Beard,	W. J. Jackson,	John L. Smith,
J. W. Berkshire,	W. H. Jones,	John S. Steers,
P. W. Berkshire,	W. F. Klair.	R. E. Stewart,
F. Pierce Blair,	A. T. Lee,	W. H. Strange,
O. Houston Brooks,	E. W. Lillard,	J. W. Stump,
Frank J. Brown,	Hugh Mahin,	J. A. Sullivan,
W. N. Brown, Jr.	W. C. McChord,	J. B. Swann,
J. T. Buford,	Emanuel Meyer,	D. P. Taggart,
Albert Butler,	Duncan Milliken,	C. S. Templeman,
C. C. Chase,	Jesse F. Nichols,	Wm. M. Thompson,

W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
Wm. E. Dowling,
Robert Enlow,
S. L. Givan,
F. E. Graves,
John P. Haswell, Jr.
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
Geo. C. Waggoner,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn
Geo. S. Wilson,
J. Hal. Woodford,-65

The motion of Mr. Shanks was then agreed to.

The yeas and nays being required thereon by Messrs. Dixon and Hannah were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Robert H. Anderson,
O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
Wm. E. Dowling,
Robert Enlow,
S. L. Givan,
F. E. Graves,
John P. Haswell, Jr.
R. Dillard Hunter,
W. Harrison Isaacs,
J. H. Jackson,
W. F. Klair,
A. T. Lee,
E. W. Lillard,
Hugh Mahin,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
H. A Schoberth,
W. H. Shanks,
John T. Shanklin,
J. A. Sloan,
John L. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford,-67

Those who voted in the negative were—

John T. Davis,	R. L. Gwathmey,	A. T. Knox,
Henry H. Denham,	Robert L. Harris,	Wm. S. Markolf,
Thurman B. Dixon,	R. F. Hutchinson,	Garfield Moore,
W. F. Edmunds,	T. C. Jackson,	Sawyer A. Smith,
John Feland,	W. L. Kimbrough,	John P. Wallace,—17
Thos. E. Finley,	Cleves G. Kinkead.	

Mr. McChord moved that the vote by which today's session was extended be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The hour of 11 o'clock having arrived, Mr. Emanuel Meyer moved that the consideration of the special order for this hour, to-wit: a bill entitled:

H. B. 64. An act to promote and compel attendance of children in schools and to prevent truancy in cities of the first, second, third and fourth classes, and to enable a board of education or boards of school trustees of cities of the first and second class to establish and maintain parental or truant schools for the care of and discipline of truant children and for the purpose of reducing truancy.

Be postponed until the matter under consideration be disposed of, and the same be made a special order of the day at the same hour from day to day until disposed of.

Said motion was agreed to.

Mr. Strange offered the following amendment to the substitute proposed for the pending bill.

"Amend section 6, line 9, by inserting after the word 'tobacco' and before the word 'produced' the following words: 'That is, dark or burley tobacco.'"

Said amendment was agreed to.

Mr. Shanks moved that the standing orders of the day be postponed until the bill under consideration is disposed of.

Said motion was agreed to.

Mr. Hannah offered the following amendment to the pending substitute:

"Amend the substitute for H. B. 145 by striking therefrom the enacting clause."

Mr. Wallace moved that said amendment lie on the table.

Said last motion was disagreed to.

The yeas and nays being required on said motion by Messrs. Hannah and Wallace, were as follows, viz.:

Those who voted in the affirmative were—

J. Will Clay,	C. W. G. Hannah,	Sawyer A. Smith,
John T. Davis,	T. C. Jackson,	John P. Wallace,
W. A. B. Davis,	H. L. Myers,	W. C. Wynn,—11
Thurman B. Dixon,	Garfield Moore,	

Those who voted in the negative were—

A. A. Allphin,	R. Dillard Hunter,	W. H. Shanks,
Robert H. Anderson,	W. Harrison Isaacs,	John T. Shanklin,
O. P. Applegate,	J. H. Jackson,	J. A. Sloan,
Louis W. Arnett,	W. J. Jackson,	John L. Smith,
Elliott B. Beard,	W. H. Jones,	John S. Steers,
J. W. Berkshire,	W. F. Klair,	R. E. Stewart,
F. Pierce Blair,	E. W. Lilliard,	W. H. Strange,
Frank J. Brown,	Hugh Mahin,	J. W. Stump,
W. N. Brown, Jr.	W. C. McChord,	J. A. Sullivan,
J. T. Buford,	Duncan Milliken,	J. B. Swann,
Albert Butler,	Jesse F. Nichols,	D. P. Taggart,
C. C. Chase,	A. C. Oliver,	Eugene W. Tandy,
W. A. Cope,	G. W. Parrott,	C. S. Templeman,

Denver B. Cornett,	C. C. Patrick,	Wm. M. Thompson,
Dr. C. F. Crecelius,	W. V. Perry,	Geo. C. Waggoner,
Wm. E. Dowling,	John C. Pirtle,	E. E. Wash,
W. F. Edmunds,	J. F. Porter,	Harry Weitkamp,
Robert Enlow,	R. S. Rector,	W. R. Whitlow,
S. L. Givan,	G. T. Reynolds,	Geo. S. Wilson,
F. E. Graves,	H. A Schoberth,	J. Hal. Woodford–61
J. P. Haswell, Jr.		

The amendment as proposed by Mr. Hannah was then disagreed to.

Said substitute as amended was agreed to.

Ordered, that said bill as amended by said substitute be engrossed and read the third time.

The provision of the Constitution as to the reading of said bill the third time at length being dispensed, and the same being engrossed, said bill was read the third time, and as amended was passed.

The yeas and nays being taken on the passage of the bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	J. P. Haswell, Jr.	H. A. Schoberth,
Robert H. Anderson,	R. Dillard Hunter,	W. H. Shanks,
O. P. Applegate,	R. F. Hutchinson,	John T. Shanklin,
Louis W. Arnett,	**W. Harrison Isaacs,**	J. A. Sloan,
Elliott B. Beard,	J. H. Jackson,	John L. Smith,
J. W. Berkshire,	W. J. Jackson,	John S. Steers,
F. Pierce Blair,	W. H. Jones,	R. E. Stewart,
O. Houston Brooks,	W. F. Klair,	J. W. Stump,
Frank J. Brown,	A. T. Lee,	J. A. Sullivan,
W. N. Brown, Jr.	E. W. Lillard,	J. B. Swann,
J. T. Buford,	Hugh Mahin,	D. P. Taggart,
Albert Butler,	J. B. Maynard,	Eugene W. Tandy,
C. C. Chase,	W. C. McChord,	C. S. Templeman,
W. A. Cope,	Duncan Milliken,	Wm. M. Thompson,

Denver B. Cornett,	Jesse F. Nichols,	Geo. C. Waggoner,
Dr. C. F. Crecelius,	A. C. Oliver,	E. E. Wash,
Wm. E. Dowling,	G. W. Parrott,	Harry Weitkamp,
W. F. Edmunds,	C. C. Patrick,	W. R. Whitlow,
Robert Enlow,	W. V. Perry,	W. C. Wynn,
S. L. Givans,	John C. Pirtle,	Geo. S. Wilson,
F. E. Graves,	R. S. Rector,	J. Hal. Woodford,
R. L. Gwathmey,	G. T. Reynolds,	—66

Those who voted in the negative were—

J. Will Clay,	C. W. G. Hannah,	Emanuel Meyer,
John T. Davis,	Robert L. Harris,	H. L. Myers,
W. A. B. Davis,	T. C. Jackson,	Garfield Moore,
Henry H. Denham,	W. L. Kimbrough,	Chris. Mueller,
Thurman B. Dixon,	Cleves G. Kinkead.	G. L. Perryman,
John Feland,	A. T. Knox,	Sawyer A. Smith,
Thos. E. Finley,	Wm. S. Markolf,	John P. Wallace,
		—21

Resolved that the title thereof be as aforesaid.

Mr. McChord moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

The hour of 1:30 p. m. having arrived, the House stood adjourned.

WEDNESDAY, MARCH 4, 1908.

The House was opened with prayer by Rev. C. R. Hudson, of the Christian Church.

The reading of the journal of yesterday's proceeding was dispensed with.

Petitions were presented by members from their respective counties and Representative districts asking the passage of a law providing for a modification of the exemption law, viz.:

By Mr. Perry, of the county of Logan.

By Mr. Isaacs, of the county of Pulaski.

By Mr. Taggart, of the county of Muhlenberg.

By Mr. Jones, of the county of Caldwell.

By Mr. T. C. Jackson, of the county of Marion.

By Mr. John L. Smith, of the counties of Lyon and Marshall.

Said petitons were severally received, their reading dispensed with, and referred to the Committee on Kentucky Statutes.

Mr. Hannah presented the petition of the members of the bar of Boyd county asking the passage of the bill allowing Circuit Judges to fix a fee to attorneys appointed by the Court to defend for parties accused of crime who are unable to employ counsel.

Which was received, the reading dispensed with, and referred to the Committee on Kentucky Statutes.

Mr. H. L. Meyers presented the petition of B. L. D. Guffy, of

Butler county, asking submission to the people of an amendment to the Constitution establishing the initiative and referendum.

Which was received, the reading dispensed with, and referred to the Committee on Constitutional Amendments.

Mr. Isaacs presented the petition of sundry citizens of Pulaski county, remonstrating against the passage of the bill providing for the creation of the county of Kenessee.

Which was received, its reading dispensed with, and referred to the Committee on County and City Courts.

Mr. Lillard presented the petition of sundry members of the Kate Morrison, Breckinridge Chapter, Daughters of the Confederacy asking the passage of a bill providing for a monument to the Confederate and Federal troops engaged in the battle of Shiloh.

Which was received, its reading dispensed with, and referred to the Committee on Monuments and Historical Records.

Mr. Klair of the Committee on Rules offered the following report:

The Committee on Rules, under and by virtue of the resolution adopted by the House on Wednesday, February 26, 1908, make the following report and recommendation, viz.:

We have investigated the matters referred to in said resolution and have also made careful inquiry into the needs of the House as to the necessary assistance to a prompt and proper expedition of the business, and have employed the following persons to discharge the duties designated and have fixed their compensation at the amounts set opposite their names respectively, and recommend that the House approve the same. We further find that in order that the business of the House should be properly and expeditiously attended to and kept up, it was found necessary and these parties have been discharging these duties and serving the House in these several capacities since the

beginning of this session, and we recommend that their pay begin with the session and be ordered and certified as a contingent expense of the House:

Edw. O. Leigh, stenographer to chief clerk--$4 00 per day.
Miss Mary Robards, stenographer---------- 4 00 per day.
Mrs. Mildred Moss, stenographer---------- 4 00 per day.
Paul M. Williams, bill clerk---------- 4 00 per day.
Timothy McAuliffe, messenger---------- 2 50 per day.
Carroll Spear, messenger---------- 2 50 per day.
Roger Edmunds, messenger---------- 2 50 per day.
Chris Mueller, messenger---------- 2 50 per day
Rebel Martin, messenger---------- 2 50 per day.

W. H. GOOCH, Ex-Officio Chairman.
W. F. KLAIR,
E. B. BEARD,
W. H. SHANKS,
GEO. S. WILSON,
L. W. ARNETT,
J. A. SULLIVAN.

Said report was approved and agreed to.

Mr. Klair offered the following resolution:

Resolved, that beginning Wednesday, March 4th, that afternoon sessions be held Tuesday, Wednesday, Thursday and Friday, from 3 o'clock to 5 o'clock for the purpose of considering the orders of the day.

Which was agreed to.

Mr. Klair moved that the vote by which said resolution was agreed to be reconsidered, and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Strange offered the following resolution:

Whereas a state of disorder prevails in certain parts of Ken-

tucky caused by the oppressive methods used and claimed to have been used by the American Tobacco Company and other kindred organizations in compelling the producers of tobacco to accept unsatisfactory and insufficient prices for their crops, and this oppression is to a great extent fostered by the tax on tobacco.

Therefore be it resolved by the House of Representatives of Kentucky, That said tax is injurious to the producer of tobacco, and it is believed that the whole trouble can be settled and further disorder prevented by the passage of an act by Congress permitting each producer to manufacture his tobacco without the payment of any tax. Therefore this body respectively and most earnestly requests the Senators and Representatives in Congress to procure the passage of an act removing the tax on tobacco which may be manufactured by the person or persons producing the same.

Said resolution was agreed to.

Mr. Dixon offered the following resolution:

Resolved, that rules of the House be suspended that the Committee on Revenue and Taxation be permitted or required to report House Bill No. 2 for the consideration of this House and the said bill be placed upon its passage and made a special order for Thursday at 11:30 a. m. Said House Bill No. 2 is An act to repeal an act to promote the sheep industry and provide a tax on dogs. Said bill was introduced on the first day of the present session, and said committtee has had reasonable time to report same and have failed or refused to do so.

Said resolution was disagreed to.

The yeas and nays being required thereon by Messrs. Hannah and Schoberth, were as follows, viz.:

Those who voted in the affirmative were—

F. Pierce Blair,
O. Houston Brooks,
W. N. Brown, Jr.
Albert Butler,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
W. F. Edmunds,
John Feland,
Thos. E. Finley,
S. L. Givan,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.
W. W. Hopkins,
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
H. L. Myers,
Garfield Moore,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
Isaac G. Rice,
W. H. Shanks,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
D. P. Taggart,
John P. Wallace,
Harry Weitkamp,
W. C. Wynn, —55

Those who voted in the negative were—

A. A. Allphin,
Robt. H. Anderson,
O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
Frank J. Brown,
J. T. Buford,
C. C. Chase,
Wm. E. Dowling,
F. E. Graves,
R. L. Gwathmey,
R. Dillard Hunter,
W. F. Klair,
E. W. Lillard,
Hugh Mahin,
Duncan Milliken,
Chris. Mueller,
C. C. Patrick,
G. T. Reynolds,
H. A. Schoberth,
John T. Shanklin,
J. W. Stump,
J. A. Sullivan,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. S. Waggoner,
E. E. Wash,
Geo. S. Wilson,
J. Hal. Woodford.
—31

Mr. Beard offered the following resolution:

Resolved, that the thanks of the House of Representatives be ex-

tended to the Lousiville and Nashville Railroad Company for the courtesy shown the Senate and House committees and members of the Legislature in placing at their disposal a special car for conveying the committees and members and the remains of our esteemed fellow member, the Hon. Virgil M. McKnight from Frankfort to Louisville.

Said resolution was agreed to.

Mr. Feland offered the following resolution:

Resolved, That our heartfelt thanks are hereby extended to Col. Arthur Dwight Martin, of the city of Frankfort, for the delightful entertainment furnished the General Assembly on Tuesday afternoon, March 3, 1908.

Resolved, further, that the Clerk of this House be directed to furnish Col. Martin a copy of this resolution.

Said resolution was agreed to.

By unanimous consent the House took up for consideration from the orders of the day a bill entitled:

H. B. 198. An act providing for the continuation of the Geological, Topographical and Agricultural Survey of the State of Kentucky and for continuation of topographical surveys in co-operation with U. S. Geological Survey.

Mr. Graves moved that the further consideration of said bill be postponed, and that the same be made the special order of the day for Thursday, March 5th, at 11 o'clock a. m.

Said motion was agreed to.

By unanimous consent the House took up for consideration from the orders of the day a bill entitled:

H. B. 152. An act to repeal Chapter 71 of the Acts of 1906.

Mr. J. W. Berkshire moved that the further consideration of said

bill be postponed and that the same be made a special order of the day for Thursday, March 5th, at 11:30 o'clock a. m.

Said motion was agreed to.

The hour of 11 o'clock having arrived, the House took up for consideration the special order of the day for that hour, to-wit: a bill entitled:

H. B. 64. An act to promote and compel attendance of children in schools and to prevent truancy in cities of the first, second, third and fourth classes, and to enable boards of education or boards of school trustees of cities of the first and second class to establish and maintain parental or truant schools for the care of and discipline of truant children and for the purpose of reducing truancy.

Together with the substitute heretofore proposed to said bill by the Committee on Education No. 1.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That every parent, guardian or other person in any city of the first, second, third or fourth class, having the custody, control or supervision of any child, or children, between the ages of seven and fourteen years inclusive, shall cause such child to be enrolled in and to attend some public or private day, or parochial school regularly each school year for a full term or period of said school. Provided, that this Act shall not apply in any case where the child has been, or is being taught at home in such branches as are taught in public schools for a like period of time, and subject to the same examinations as other pupils of the city in which the child resides; and for the purpose of ascertaining whether or not any child is embraced within this exemption, the court may order such child to submit to an examination to be given by the City Superintendent of Schools.

Provided further, that this section shall not apply to any child who is excused by the Board of Education of School Board of the city in which the parent, guardian or person having the custody, control or supervision of such child or children, reside, upon its being shown to the satisfaction of the County Judge that such child has already acquired the common school branches required by law or is not in proper physical or mental condition to attend school.

§ 2. Any parent, guardian or other person having the custody, control or supervision of any child embraced within the provisions of this act, who shall fail to comply with the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not exceeding Twenty-five ($25.00) Dollars for the first offense, and for any subsequent offense upon conviction thereof shall be fined in any sum not exceeding One Hundred ($100.00) Dollars, or by imprisonment in the county jail for any period not exceeding fifty days, or both so fined and imprisoned, in the discretion of the court.

§ 3. Any parent, guardian or other person having the custody, control or supervision of any child, embraced within this act, who with the intent to evade the provisions of this act, shall make a false statement concerning the age of such child or the time such child has attend school, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding One Hundred ($100.00) Dollars or by imprisonment in the county jail for a period not exceeding fifty days or both so fined and imprisoned in the discretion of the court.

Any parent, guardian or other person having the custody, control or supervision of any child embraced within this act, who shall be proceeded against under this act, may prove in defense that he is unable to compel the child under his control to attend school, and he may be thereupon discharged from liability and such child may be

proceeded against as a delinquent child under the Statutes in such case made and provided.

§ 4. A passport, a verified baptismal certificate, a duly attested birth certificate, a certified copy under oath of a record in the family Bible, or other religious record shall be produced as proof of age. In case such certificate or record cannot be secured, upon proof of such fact, the record of the age stated in the first school enrollment to be found shall be considered as evidence thereof. If there is no school enrollment showing such fact, other evidence as to the age of said child may be considered.

§ 5. Any fines or penalties provided for in this act shall be for the use of the public schools of the city in which such child resides, and any such sums shall be used for the purpose of paying the salaries of truant officers of such city. Any such fine or penalty may be recovered by rule or in any way in which a court of equity may enforce its orders or decrees.

§ 6. In the first week in July in each year, the Board of Education in each city of the first, second, third and fourth classes shall appoint one person for each ten thousand (10,000) children enrolled in the school census to serve as truant officer, whose term of office shall be during the pleasure of the Board appointing him, who may be removed at any time by said Board with or without cause, and whose duties shall be limited to the city where the appointment is made; if in any such city there shall be less than ten thousand (10,000) children enrolled in the school census, there shall be appointed as above, one truant officer. Said truant officers shall be house-keepers, residents of the city in which they are appointed and men of good moral character; they must be able to read and write with ease, shall be at least thirty (30) years of age and shall not engage in any other occupation during such period of time as the schools are in session each year in the respective cities.

Before they shall be eligible for appointment, all applicants for

the position of truant officer shall be examined by the Superintendent of Schools and President of the Board of Education, or School Board. Such truant officers shall each receive from the tax levy for school purposes, of such cities, not less than one ($1.00) dollar nor more than two and one-half ($2.50) dollars per day during such period of time as the schools are in session each year in the respective cities.

§ 7. Such truant officer shall examine into any case of truancy within the city or district, and shall see that the provisions of this act are complied with and when from personal knowledge or by report or complaint from any resident or teacher of the city or district under his provision, he believes that any child subject to the provisions of this act, is absent from school without lawful excuse and in violation of the provisions of this act, or is persistently truant from school, he shall immediately give written notice to the parents, guardian or person having the custody, control or supervision of such child, that the attendance of such child is required, and if, within five days from the date of such notice, such parent, guardian or person having the custody, control or supervision of such child, does not comply with the provisions of this act, then such truant officer shall proceed against such child as a delinquent child, and against such parent, guardian or person having the custody, control or supervision of such child for violation of this act and for contributing to such condition of delinquency in such child.

§ 8. The County Court of the respective counties of the Commonwealth shall have exclusive jurisdiction of all cases coming within the terms and provisions of this act.

§ 9. All school officers and teachers are hereby required to make and furnish, upon demand, any reports that may be required by the Superintendent of Public Instruction, or by the Superintendent of Public Schools in the respective cities, upon forms furnished by the

with reference to the workings of this act, and all truant officers appointed under this act shall keep a full record of the work done by them, in books to be furnished them for that purpose by the State Superintendent of Public Instruction, and report the same on Monday of each week during such period of time as the schools are in session each year in the respective cities, to the Superintendent of Public Schools in the respective cities, upon forms furnished by the Board of Education of such cities. The Superintendent of Public Instruction and each Superintendent of Public Schools in said cities shall each make and publish an annual report of the workings of this act.

§ 10. During the month of August in each year, the Superintendent of Public Schools of the first, second, third and fourth classes, shall furnish to the principal of each school in their respective cities, a list taken from the last census of children of school age, of all children between the ages of seven and fourteen years, who by law, or under the rules of the Board of Education or Board of Trustees, School Board, as the case may be, are required to attend such school. Said list shall be alphabetically arranged, shall contain the name, date and place of birth of each child, the name, address and occupation of such child's parent or parents, guardian or person having its custody, control or supervision, and such other facts as may be required by the Superintendent of Public Instruction or Superintendents of Schools of cities of the first, second, third and fourth class.

The principal of each school in cities of the first, second, third or fourth class, shall report by Saturday of each week during such period of time as the schools are in session each year in the respective cities, to the Superintendent of the Public School in the city in which school is situated, the name and address of each child who has been absent from school without lawful excuse or who is presistently truant from school together with the name of such child's parent, or

parents, guardian or person having the custody, control or supervision of such child. And it shall be the duty of such Superintendent of Public Schools, immediately upon the receipt of such reports, to require the truant officer of such city to examine into the cases of absence or truancy contained in such reports and to require such truant officer to take any and all needful steps, as provided herein, and under the Statutes of this State, to compel such child to attend school. All truant officers shall make report to the Superintendent of Schools of the city of all cases referred to them under this section, within one week after the receipt of such cases by such truant officer.

It shall be the duty of said truant officers to report to Board of Education or School Board in said cities during the months of November and April of each year, the number of children between the ages of seven and fourteen years inclusive, not attending school in the district assigned to each respectively and they shall write opposite the name of each child on blanks prepared for that purpose the reason given by the parent, guardian or person having the custody, control or supervision of such child for its failure to attend school.

11 A. The Board of Trustees, Board of Education, School Board or School Commissioners, as the case may be, of any city of the first or second class, are hereby authorized and empowered to equip, maintain and conduct, one or more parental or truant schools for the purpose of affording a place where children of compulsory school age, and coming within the provisions of this act, and of the Statutes of this State, concerning neglected, dependent and delinquent children, may be detained for the purpose of discipline and instruction as hereinafter provided.

B. Such school or schools may be located either within or without the corporate limits of the city; provided, however, that such school or schools shall not be located outside of the county in which such city

is located, and provided further, that no such school shall be located at or near any penal institution.

C. No religious instruction shall be given in such school or schools, except such as is allowed by law to be given in public schools, but the Board of Trustees, Board of Education, School Board or School Commisssioners, as the case may be, shall make suitable regulations so that inmates shall receive religious training in accordance with the belief of such children's parents, or guardian, either by allowing such religious services to be held in such institution or by arranging for the attendance of public service elsewhere.

D. Any child committed to such school or schools, upon an order duly entered by the County Court, may be allowed to return home upon probation and to remain while upon probation, subject to the friendly visitation and supervision of a probation officer of said County Court, and subject at any time to be returned to such school if said child, in the opinion of the County Court, shall violate the terms and conditions of its probation. No child shall be released upon probation in less than four weeks from the time of his or her commitment, nor thereafter unless the court shall be satisfied that said child who is probationed will attend regularly some public or private school as herein provided. If any child so released upon probation shall be regular in his or her attendance in school and his or her conduct as a pupil shall be satisfactory for a period of one year from the date upon which she or he was released upon probation, he or she shall be finally discharged from such parental or truant school, and shall not be recommitted thereto, except in a subsequent proceeding undertaken according to the provisions of this act, and to the statutes of this State, concerning neglected, dependent and delinquent children.

E. Any child released from said school or schools upon probation, as herein provided, who shall violate the condition of his or her probation any time within one year thereafter, shall upon the

order of the county court, be returned to such parental or truant school and shall not again be released upon probation within a period of three months from the date of such re-entering; and if such child shall violate the conditions of a second release upon probation, he or she shall be re-committed to such school and shall not be released therefrom on probation until he or she shall have remained in such school one year.

F. The Board of Trustees, Board of Education, School Board or School Commissioners, as the case may be, of cities of the first or second class, may establish any rules or regulations concerning such school or schools not inconsistent with this act or the constitution or laws of this State.

12. An Act entitled "An act to secure school attendance of children between the ages of seven and fourteen," approved March 22, 1904, is hereby repealed.

13. If any section of this act shall be held to be unconstitutional, such fact shall not effect any other section of this act; it being the intention of the General Assembly in enacting this act to enact each section separately; and if any proviso or exception contained in any section of this act shall be held to be unconstitutional, such fact shall not affect the remaining portion of said section; it being the intention of the General Assembly to enact each section of this act and each proviso and exception thereto separate.

The substitute as heretofore proposed therefor by the committee is as follows:

An act to promote and compel attendance of children in schools and to prevent truancy in cities of the first, second, third and fourth class, and to enable boards of education, or boards of school trustees of cities of the first and second class to establish and maintain parental or truant schools for the care and discipline of truant children and for the purpose of reducing truancy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That every parent, guardian or other person in any city of the first, second, third or fourth class, having the custody, control or supervision of any child, or children, between the ages of seven and fourteen years inclusive, shall cause such child to be enrolled in and to attend some public or private day, or parochial school regularly each school year for a full term or period of said school, Provided that this act shall not apply in any case where the child has been, or is being taught at home in such branches as are taught in the public schools for a like period of time, and subject to the same examinations as other pupils of the city in which the child resides; and for the purpose of ascertaining whether or not any child is embraced within this exemption, the court may order such child to submit to an examination to be given by the City Superintendent of schools.

Provided further, that this section shall not apply to any child who is excused by the Board of Education or school board of the city in which the parent, guardian or person having the custody, control or supervision of such child or children reside, upon its being shown to the satisfaction of the county judge that such child has already acquired the common school branches required by law or is not in proper physical or mental condition to attend school.

§ 2. Any parent, guardian, or other person having the custody, control or supervision of any child embraced within the provisions of this act, who shall fail to comply with the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding Twenty-five ($25.00) Dollars for the first offense, and for any subsequent offense upon conviction thereof, shall be fined in any sum not exceeding One Hundred ($100.00) Dollars, or by imprisonment in the county jail for any period not exceeding fifty days, or both so fined and imprisoned, in the discretion of the court.

§ 3. Any parent, guardian or other person having the custody, control or supervision of any child, embraced within this act who with the intent to evade the provisions of this act, shall make a false statement concerning the age of such child or the time such child has attended school, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding One Hundred ($100.00) Dollars or by imprisonment in the county jail for a period not exceeding fifty days or both so fined and imprisoned in the discretion of the court.

Any parent, guardian or other person having the custody, control or supervision of any child embraced within this act, who shall be proceeded against under this act, may prove in defense that he is unable to compel the child under his control to attend school, and he may be thereupon discharged from liability and such child shall be proceeded against as a delinquent child under the Statutes in such case made and provided.

§ 4. A passport, a verified baptismal certificate, a duly attested birth certificate, a certified copy under oath of a record in the family Bible, or other religious record, shall be produced as proof of age. In case such certificate or record cannot be secured, upon proof of such fact, the record of the age stated in the first school enrollment to be found, shall be considered as evidence thereof. If there is no school enrollment showing such fact, other evidence as to the age of said child may be considered.

§ 5. Any fines or penalties provided for in this act shall be for the use of the public schools of the city in which such child resides, and any such sums shall be used for the purpose of paying the salaries of truant officers of such city. Any such fine or penalty may be recovered by rule or in any way in which a court of equity may enforce its orders or decrees.

§ 6. In the first week in July in each year, the Board of Education in each city of the first, second, third and fourth classes, shall

appoint one person for each ten thousand (10,000) children enrolled in the school census, to serve as truant officer whose term of office shall be during the pleasure of the Board appointing him, who may be removed at any time by said board with or without cause, and whose duties shall be limited to the city where the appointment is made; if in any such city there shall be less than ten thousand (10,000) children enrolled in the school census, there shall be appointed as above, one truant officer.

Said truant officers shall be house-keepers, residents of the city in which they are appointed and men of good moral character; they must be able to read and write with ease, shall be at least thirty (30) years of age and shall not engage in any other occupation during such period of time as the schools are in session each year in the respective cities.

Before they shall be eligible for appointment, all applicants for the position of truant officer shall be examined by the Superintendent of Schools and resident of the Board of Education, or School Board. Such truant officer shall each receive from the tax levy for school purposes, of such cities, not less than one ($1.00) dollar, nor more than two and one-half ($2.50) dollars per day during such period of time as the schools are in session each year in the respective cities.

§ 7. Such truant officers shall examine into any case of truancy within the city or district, and shall see that the provisions of this act are complied with and when from personal knowledge or by report or complaint from any resident or teacher of the city or district under his supervision, he believes that any child subject to the provisions of this act, is absent from school without lawful excuse, and in violation of the provisions of this act, or is persistently truant from school, he shall immediately give written notice to the parents, guardian or person having the custody, control or supervision of such child, that the attendance of such child is required, and if, within five days from the date of such notice, such parent, guardian, or person having the

custody, control or supervision of such child, does not comply with the provisions of this act, then such truant officer shall proceed against such child as a delinquent child, and against such parent, guardian or person having the custody, control or supervision of such child for violation of this act and for contributing to such condition of delinquency in such child.

§ 8. The County Court of the respective counties of the Commonwealth shall have exclusive jurisdiction of all cases coming within the terms and provisions of this act.

§ 9. All school officers and teachers are hereby required to make and furnish upon demand, any reports that may be required by the Superintendent of Public Instruction, or by the Superintendent of Public Schools of cities of the first, second, third and fourth class, with reference to the workings of this act and all truant officers appointed under this act shall keep a full record of the work done by them, in books to be furnished them for that purpose by the State Superintendent of Public Instruction. Said truant officers are to be under the direct supervision and control of the City Superintendent of schools, and shall report as directed by him to teachers, principals, City Superintendent and Board of Education. The Superintendent of Public Instruction and each Superintendent of Public Schools in said cities shall each make and publish an annual report of the workings of this act.

§ 10. During the month of August in each year, the Superintendent of Public Schools of cities of the first, second, third, and fourth classes, shall furnish to the principal of each school in their respective cities, a list taken from the last census of children of school age, of all children between the ages of seven and fourteen years, who by law, of under the rules of the Board of Education or Board of Trustees, or School Board, as the case may be, are required to attend such school. Said list shall be aphabetically arranged, shall contain the name, date and place of birth of each child, the name, address and

occupation of such child's parent or parents, guardian or person having the custody, control or supervision, and such other facts as may be required by the Superintendent of Public Instruction, or Superintendent of Schools of the cities of the first, second, third and fourth classes.

The principal of each school in cities of the first, second, third, and fourth class, shall report each day if possible or at such times as he may be directed by the Superintendent of Schools during such period of time as the schools are in session each year in the respective cities, to the Superintendent of Public Schools in the cities in which such school is situated, or to the truant officer if so directed by the Superintendent, the name and address of each child who has been absent from school without lawful excuse or who is persistently truant from school together with the name of such child's parent, or parents, guardian or person having the custody, control or supervision of such child. And it shall be the duty of the truant officer of such city immediately upon the receipt of such reports, to examine into the cases of absence or truancy contained in such reports and to require such truant officer to take any and all needful steps, as provided herein, and under the Statutes of this State, to compel such child to attend school. All truant officers shall make report to teachers, principals and Superintendent of Schools of the city of all cases referred to them under this section, at the time designated by said Superintendent.

It shall be the duty of said truant officer to report to Board of Education or School Board in said cities during the months of November and April of each year, the number of children between the ages of seven and fourteen years inclusive, not attending school in the district assigned to each respectively and they shall write opposite the name of each child on blanks prepared for that purpose, the reason given by the parent, guardian, or person having the custody, control or supervision of such child for its failure to attend school.

§ 11 A. The Board of Trustees, Board of Education, School Board or School Commissioners, as the case may be, of any city of the first or second class, are hereby authorized and empowered to equip, maintain and conduct, one or more parental or truant schools for the purpose of affording a place where children of compulsory school age, and coming within the provisions of this act, and of the Statutes of this State, concerning neglected, dependent and delinquent children, may be detained for the purpose of discipline and instruction as hereinafter provided.

B. Such school or schools may be located either within or without the corporate limits of the city,—provided however, that such school or schools shall not be located outside of the county in which such city is located, and provided further, that no such school shall be located at or near any penal institution.

C. No religious instruction shall be given in such school or schools, except as is allowed by law to be given in the public schools, but the Board of Trustees, Board of Education, School Board or School Commissioner, as the case may be, shall make suitable regulations so that inmates shall receive religious training in accordance with the belief of such children's parents or guardian, either by allowing such religious services to be held in such institution or by arranging for the attendance of public service elsewhere.

D. Any child committed to such school or schools, upon an order duly entered by the county court, may be allowed to return home upon probation and to remain while upon probation, subject to the friendly visitation and supervision of a probation officer of said county court, and subject at any time to be returned to such school if said child, in the opinion of the county court, shall violate the terms and conditions of its probation. No child shall be released upon probation in less than four weeks from the time of his or her commitment, nor thereafter unless the court shall be satisfied that said child who is probationed, will attend regularly some public or private

school as herein provided. If any child so released upon probation shall be regular in his or her attendance in school and his or her conduct as a pupil shall be satisfactory for a period of one year from the date upon which she or he was released upon probation, he or she shall be finally discharged from such parental or truant school, and shall not be recommitted thereto, except in a subsequent proceeding undertaken according to the provisions of this act, and to the Statutes of this State, concerning neglected, dependent and delinquent children.

E. Any child released from said school or schools upon probation, as herein provided, who shall violate the conditions of his or her probation any time within one year thereafter, shall upon the order of the county court, be returned to such parental or truant school and shall not again be released upon probation within a period of three months from the date of such re-entering; and if such child shall violate the conditions of a second release upon probation, he or she shall be recommitted to such school and shall not be released therefrom on probation until he or she shall have remained in such school one year.

F. The Board of Trustees, Board of Education, School Board or School Commissioners, as the case may be, of cities of the first or second class, may establish any rules or regulations concerning such school or schools not inconsistent with this act or the constitution or laws of this State.

§ 12. An act entitled "An act to secure school attendance of children between the ages of seven and fourteen" approved March 22, 1904, is hereby repealed.

§ 13. If any section of this act shall be held to be unconstitutional such fact shall not affect any other section of this act; it being the intention of the General Assembly in enacting this act to enact each section separately; and if any proviso or exception contained in any section of this act shall be held to be unconstitutional, such fact shall not affect the remaining portion of said section; it being the intention of

the General Assembly to enact each section of this act and each proviso and exception thereto separately.

Said substitute was agreed to.

Ordered, that said bill as amended by the substitute be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill as amended was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	C. W. G. Hannah,	John C. Pirtle,
Robert H. Anderson,	John P. Haswell, Jr.	**J. F. Porter,**
O. P. Applegate,	W. W. Hopkins,	R. S. Rector,
Louis W. Arnett,	R. Dillard Hunter,	G. T. Reynolds,
Elliott B. Beard,	**F. M. Hutcheson, Jr.**	Isaac G. Rice,
J. W. Berkshire,	W. Harrison Isaacs,	H. A. Schoberth,
P. W. Berkshire,	J. H. Jackson,	W. H. Shanks,
F. Pierce Blair,	W. J. Jackson,	J. A. Sloan,
O. Houston Brooks,	T. C. Jackson,	John L. Smith,
Frank J. Brown,	W. H. Jones,	Sawyer A. Smith,
W. N. Brown, Jr.	W. F. Klair,	John S. Steers,
J. T. Buford,	A. T. Knox,	R. E. Stewart,
Albert Butler,	E. W. Lillard,	W. H. Strange,
C. C. Chase,	Hugh Mahin,	J. W. Stump,
W. A. Cope,	J. B. Maynard,	D. P. Taggart,
Dr. C. F. Crecelius,	W. C. McChord,	Eugene W. Tandy,
John T. Davis,	Emanuel Meyer,	C. S. Templeman,
W. A. B. Davis,	H. L. Myers,	Wm. M. Thompson,
Henry H. Denham,	Garfield Moore,	Geo. C. Waggoner,
W. F. Edmunds,	Chris. Mueller,	John P. Wallace,
Robert Enlow,	Jesse F. Nichols,	E. E. Wash,
John Feland,	A. C. Oliver,	Harry Weitkamp,

Thos. E. Finley,	G. W. Parrott,	W. C. Wynn,
S. L. Givan,	C. C. Patrick,	Geo. S. Wilson,
F. E. Graves,	Samuel J. Patrick,	J. Hal. Woodford,
R. L. Gwathmey,	G. L. Perryman,	—77

Resolved, that the title thereof be as aforesaid.

Mr. Dowling, of the Committee on Kentucky Statutes, to which the same had been recommitted, with leave to report at any time, reported a bill entitled:

H. B. 259. An act to regulate the admission of attorneys to practice law.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person applying to be admitted as an attorney or counselor in the courts of this State may be licensed only as herein prescribed.

§ 2. A State Board of Law Examiners is hereby created, to consist of three members of the State bar, who shall be appointed from time to time by the Court of Appeals, and shall hold office as members of such Board for the term of three years, except that under the first appointment they shall hold for one, two, and three years respectively, and each until the appointment of his successor. Each examiner shall receive a compensation of $200 per annum and his necessary and actual expenses incurred while in the performance of his duties.

§ 3. The Court of Appeals shall, from time to time, make and adopt such rules and regulations relating to the qualifications of applicants for examination, the course of study to be pursued by such applicants, and the standard of acquirement of such applicants to entitle them to admission to practice law in the courts of

this State, the time and places of holding such examinations, and such other rules and regulations relating to the examination of applicants for admission to the bar as such court may deem necessary or desirable.

§ 4. The Board of Examiners may adopt such rules, regulations, and forms relating to the holding and conducting its meetings and its procedure as it may deem necessary.

§ 5. All applicants shall be examined in writing on such subjects as shall be prescribed by the Court of Appeals, and their answers shall be graded. Each applicant at the time of applying for examination, shall pay a fee of ten dollars.

§ 6. The Board of Examiners shall certify to the Court of Appeals the name of each applicant who shall have passed the required examination, and upon its appearing to the Court of Appeals that such person has complied in all respects with the rules of said Court in regard to admission of attorneys to practice law, the said Court shall enter an order licensing and admitting him to practice as an attorney and counselor in all the courts of this State, which license, if procured by fraud, may be revoked by the Court at any time within two years from its issue.

§ 7. The Court of Appeals shall make such provisions, rules and regulations as it may deem proper for the admission to practice law in this State of persons who have been licensed to practice law in other States or countries.

§ 8. All laws, and parts of laws in conflict with this act are hereby repealed, and this act is to take effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill

at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson,	C. W. G. Hannah,	C. C. Patrick,
O. P. Applegate,	Robert L. Harris,	W. V. Perry,
Louis W. Arnett,	John P. Haswell, Jr.	John C. Pirtle,
Elliott B. Beard,	F. M. Hutcheson, Jr.	R. S. Rector,
J. W. Berkshire,	W. Harrison Isaacs,	G. T. Reynolds,
J. T. Buford,	T. C. Jackson,	H. A. Schoberth,
C. C. Chase,	W. F. Klair,	John T. Shanklin,
Denver B. Cornett,	Cleves G. Kinkhead,	J. A. Sloan,
Dr. C. F. Crecelius,	E. W. Lillard,	Sawyer A. Smith,
John T. Davis,	W. C. McChord,	J. A. Sullivan,
W. A. B. Davis,	Emanuel Meyer,	Eugene W. Tandy,
Thurman B. Dixon,	H. L. Myers,	Wm. M. Thompson,
Wm. E. Dowling,	Duncan Milliken,	Harry Weitkamp,
John Feland,	Garfield Moore,	Geo. S. Wilson,
F. E. Graves,	Chris. Mueller,	J. Hal. Woodford,
R. L. Gwathmey,	Jesse F. Nichols,	—47

Those who voted in the negative were—

A. A. Allphin,	R. F. Hutchinson,	J. F. Porter,
F. W. Berkshire,	J. H. Jackson,	Isaac G. Rice,
F. Pierce Blair,	W. J. Jackson,	W. H. Shanks,
O. Houston Brooks,	W. H. Jones,	John L. Smith,
Frank J. Brown,	W. L. Kimbrough,	John S. Steers,
Albert Butler,	A. T. Knox,	R. E. Stewart,
W. A. Cope,	A. T. Lee,	W. H. Strange,
Henry H. Denham,	Hugh Mahin,	J. W. Stump,
W. F. Edmunds,	J. B. Maynard,	D. P. Taggart,
Robert Enlow,	A. C. Oliver,	C. S. Templeman,
Thos. E. Finley,	G. W. Parrott,	John P. Wallace,
S L. Givan,	Samuel J. Patrick,	E. E. Wash,
W. W. Hopkins,	G. L. Perryman,	
R. Dillard Hunter,		W. C. Wynn, —40

Resolved, that the title therefore be as aforesaid.

Mr. Graves moved that the vote by which said bill was passed be reconsidered.

Mr. Wilson moved that said motion lie on the table.

Said last named motion was agreed to.

Mr. Klair, of the Committee on Municipalities, to which the same had been recommitted with leave to report at any time, reported a bill entitled:

H. B. 261. An act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several county courts within this Commonwealth with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. This act shall apply only to male children seventeen years of age or under and to female children eighteen years of age or under.

The words "delinquent child" shall include any male child seventeen years of age or under and any female child eighteen years of age or under, who violates any law of this State; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who, without just cause and without the consent of its parents, guardian or person having its custody, control or supervision absents itself from its home or place of abode; or who is growing up in idleness or crime; or who knowingly visits or enters a house of ill-repute; or who knowingly patronizes or visits any policy shop or place where any gaming device is or shall be operated;

or who patronizes or visits any saloon or dram shop where intoxicating liquors are sold; or who patronizes any public pool-room or bucket-shop; or who wanders about the streets in the night time without being on lawful business or occupation; or who habitually wanders about any railroad yards or tracks, or jumps or attempts to jump on any moving train, or enters any car or engine without lawful authority; or who uses vile, obscene, vugar, profane or indecent language or is guilty of immoral, indecent or lascivious or disorderly conduct in any public place or upon any highway or about any school house; or who is persistently truant from school.

Any child committing any of the acts hereinabove mentioned shall be deemed a delinquent child, and shall be proceeded against and cared for as such in the manner hereinafter provided.

For the purposes of this act the words "Dependent child" or "Neglected child" shall mean any male child seventeen years of age or under, or any female child eighteen years of age or under, who is found begging, or receiving, or gathering alms (whether actually begging or under the pretext of selling or offering for sale anything), or being in any road, street or public place for the purpose of so begging, gathering or receiving alms; or who is found singing or playing any musical instrument for gain upon the streets or in any public place; or who is found wandering and not having any home or any settled place of abode or proper guardianship or visible means of subsistence; or who is found destitute, homeless or abandoned or dependent upon the public for support, or who has not proper parental care, or whose home by reason of neglect, cruelty or depravity on the part of its parents or guardian or other person in whose care it may be is an unfit place for such child; or who is found living in any house of ill-fame, or with any vicious or disreputable person.

The word "association,, shall include any association, institution or corporation which embraces in its purposes the care or dis-

position of children coming within the provisions of this act.

The disposition of any child under this act, or any evidence given in such cause, shall not, in any civil, criminal or other cause or proceeding whatever in any court, be lawful or proper evidence against such child for any purpose whatsoever, except in subsequent cases involving the same child under this act. The word "child" or "children" may mean one or more children, or the word "parent" or "parents" may mean one or both parents, when consistent with the intent of this act.

§ 2. The county courts of the several counties of this State shall have exclusive jurisdiction in all cases coming within the terms and provisions of this act. In proceedings under this act the child brought before the court or any person interested in such child, shall have the right to demand for it a trial by jury, which shall be granted as in other cases unless waived, or the judge on his own motion may call a jury to try such case. A special record book or books shall be kept by the court for all cases coming within the provisions of this act, to be known as "The Juvenile Record" and the docket or calendar of the court upon which there shall appear the case or cases under the provisions of this act shall be known as "The Juvenile Docket," and for the convenience of the court in the trial and disposition of such cases may be called "The Juvenile Session of the County Court." In counties containing a city of the first-class, a special court-room for the hearing of all cases arising under this act shall be provided by the Fiscal Court of the county, or the board of County Commissioners as the case may be and said court-room may be provided either in the court-house of the county or in some other building, and said Fiscal Court of the county or board of County Commissioners as the case may be shall provide suitable quarters for the Probation officers hereinafter provided for, either in the court-house of the county, or in some other building. Between the first and thirty-first days of October of each year, the clerks of the county courts shall submit to the Governor a report in writing upon blanks to be furnished by the Secretary of State, showing the

number and disposition of delinquent, dependent or neglected children brought before such court, together with such other useful information regarding such cases, and the parentage of such children as may be reasonably obtained at the trial thereof; *Provided*, That the name or identity of any such child or parent shall not be disclosed in such report, and that such report shall not be published at State expense.

§ 3. The County Courts of the several counties in this State shall have authority to appoint or designate one or more discreet persons of good moral character, to serve as probation officers during the pleasure of the court; such probation officer to receive no compensation except as herein provided. In counties having a city of the first or second class the County Court may appoint one probation officer, who shall be designated as Chief Probation Officer, and who shall receive a salary not exceeding $2400.00 per year, to be fixed by the County Court Judge; one or more Assistant Probation Officers, one of whom shall receive a salary of not exceeding $1200.00 per year, and all other assistants so appointed shall receive a salary not exceeding $700.00 per year, such salaries to be fixed by the Judge of the County Court. Such probation officers shall be allowed their actual and necessary expenses incurred in the performance of their duties; said salaries and expenses to be paid as provided herein.

§ 4. Any reputable person being a resident of the county having knowledge of a child in the county who appears to be either neglected, dependent or delinquent, who is not an inmate of a State institution or any institution incorporated under the laws of the State of Kentucky for the care and correction of children, or any reform school or industrial school for juvenile offenders, may file with the clerk of the County Court a petition in writing, setting forth the facts verified by affidavit. It shall be sufficient that the affidavit is upon information and belief. The petition shall set forth the name and residence of the parent or parents, if known, or if the name and residence is unknown to petitioner: (a) the name and residence

of the person having the custody, control or supervision of such child; or (b) or if the child be illegitimate, the name of the mother of such illegitimate child; or if it alleges that both parents, or that such mother is dead, then the name of the guardian if any, of such child; (d) if no guardian of such child is known to the petitioner, then of some near relative, or that such is unknown to the petitioner. All persons named in said petition shall be notified of such proceedings as hereinafter provided.

Upon filing of the petition a summons shall issue requiring the parent or parents, guardian or the person having custody, control or supervision of the child, or with whom the child may be, to appear with the child at a place and time stated in the summons, which time shall not be less than twenty-four hours after service. The parents of the child, if living, and their residence, if known to tht petitioner, or its legal guardian, if one there be, and his residence, if known to the petitioner, or if there be neither parent nor guardian, or if his or her residence be not known then some near relative if his residence be known to the petitioner, shall be notified of the proceedings, and in any case the judge may appoint some suitable person to act in behalf of the child. Summons and notice may be served by the sheriff, by any officer authorized by law to serve a summons or warrant, or by any duly appointed probation officer, either by reading the same to the person or persons to be served, or by delivering a copy thereof to such person or persons, or by leaving a copy thereof at his usual place of abode, if stated in the petition or known, with some person of his family of the age of ten years or upwards, and informing such persons of the contents thereof. The return of such summons and notice, with the endorsement of service by the officer in accordance herewith shall be sufficient proof thereof. If the person summoned as herein provided, shall fail, without reasonable cause, to appear, and abide by the order of the court or bring the child, he may be proceeded against as in case of contempt of court. In case the summons cannot be served, or the party fails

to obey the same, and in any case when it shall be made to appear to the court by affidavit, which may be on information and belief that such summons will be ineffectual to secure the presence of the child, a warrant may be issued on the order of the court either against the parent or guardian or the person having the custody, control or supervision of the child, or with whom the child may be or against the child itself or both. On return of the summons or other process, or on the appearance of the child with or without summons or other process in person before the court together with the return of the service of notice, if there be any person notified, or upon the personal appearance or written consent to the proceedings of the person or persons, if any be notified, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner, and all hearings shall so long as the same may lawfully be done, be had in chambers to the exclusion of the general public.

Until the first hearing of the case by the court, the chief probation officer or any assistant probation officer may release the child upon its own recognizance; or upon the recognizance of the parent or person having the custody, control or supervision of the child, to appear before the court at such times as may be therein fixed or the probation officer may cause the child to be placed in the detention school hereinafter mentioned; or in any place of detention for children maintained by the city or county; *Provided,* however, That no child under fourteen years of age shall, under any circumstances be incarcerated in any county jail or police station, and any officer or person knowingly violating this provision of this act shall be guilty of a misdemeanor and, on conviction, fined in a sum not to exceed one hundred ($100.00) dollars.

In all counties in which there is a city of the first class wherein the Board of Children's Guardians has provided a temporary home for delinquent, dependent or neglected children, such home shall be used as a detention school, and shall be so arranged, furnished and conducted that the inmates therein shall be cared for as in a family

home and public school; and the Superintendent and Matron shall reside therein, and at least one shall be competent to teach and instruct children in the branches of education similar to those embraced in the curriculum of the public schools of said city and county up to and including the Eighth Grade; said Superintendent and Matron shall receive no compensation for conducting said school and caring for the children committed thereto under this act, in addition to the salary provided for such superintendent and matron by the Board of Children's Guardians. Wherein such counties no such home has been provided, and in all counties wherein a city of the second class is located it shall be the duty of the fiscal court of the county to establish and maintain a detention school, not connected with the jail which shall be in charge of a superintendent and matron, if the same be deemed necessary to be appointed by the county court, who shall receive a joint salary to be paid as provided herein, not to exceed twelve hundred dollars ($1200) per annum. Or the County Court may assign to the charge and care of said detention school one or more of the probation officers hereinbefore mentioned with or without additional salary.

Any detention school established as herein provided shall be arranged, furnished and conducted as a school, as herein provided and the superintendent and matron thereof shall possess the qualifications herein provided.

§ 5. When any child within the provisions of this act is arrested with or without a warrant it shall, instead of being taken before a Justice of the Peace of Police Magistrate be taken directly before the County Court, or if it shall be taken before a Justice of the Peace or Police Magistrate upon warrant sworn out in such court or for any other reason, it shall be the duty of such Justice of the Peace or Police Magistrate to transfer the case to such County Court, and it shall be the duty of the officer having the child in charge to take the child before said County Court; and in any case the court may proceed to hear and dispose of such case in the same manner

as if the child had been brought before the court upon petition as herein provided. In any case the court shall require notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for that purpose.

The Court may in its discretion in any case of a delinquent child brought before it as herein provided, permit such child to be proceeded against in accordance with the laws that may be in force in this State governing the commission of crimes, and in such case the petition, if any, filed under this act shall be dismissed and the child shall be transferred to the court having jurisdiction of the offense.

§ 6. Any child embraced in this act shall have the right now given by law to any person to give bond of other security for its apearance at its trial.

§ 7. In any case af a delinquent child coming under the provisions of this act, the court may allow such child to remain in its own home, subject to the friendly visitation of a probation officr, such child to report to the probation officer as often as may be required, and subject to be returned to the court for further proceedings whenever such action may appear necessary; and if the parents, parent, guardian or person having the custody, control or supervision of such child consent thereto, or if the court shall further find either that the parents, parent, guardian or person having its custody, control or supervision are unfit, or improper guardians, or are unable or unwilling to care for, protect, educate or discipline such child, and shall further find that it is for the interest of such child and of the people of this State that such child be taken from the custody or control of such parents, parent, custodian or guardian, the court may permit the child to remain in its own home subject to the friendly visitation and supervision of a probation officer or may cause such child to be placed in a suitable family home, or cause it to be boarded out in a suitable family home, subject to the friendly visitation of a probation officer and the further order of

the Court in case provision is made by voluntary contribution or otherwise for the payment of board of such child until suitable provisions be made for the child in a home without such payment; or the Court may commit such child to the detention school provided herein or to the House of Reform for boys, if a boy, or to the House of Reform for girls, if a girl; or to any institution that has been or may be provided by the State, county or city for the care of delinquent children, or to any association that will receive it embracing in its objects the care of neglected, dependent or delinquent children. In no case shall a child brought before the court under the provisions of this act be committed beyond the age of twenty-one years. Any institution or association receiving such child shall train and educate it, subject to the rules and laws that may be in force from time to time governing such institution or association and the governing board shall have the power, with the approval of the county court to release such child on such conditions as it may prescribe; and the court shall on the recommendation of the board have the power to order the release of such child from custody whenever in the judgment of the court his or her reform is complete, provided that any child committed to any such institution or association as hereinafter provided upon being released may be placed on probation to a probation officer for such time as in the judgment of the probation officer and the court shall be necessary for the welfare of the child.

§ 8. The court may when the health or condition of any child found to be dependent, neglected or delinquent, requires it, order such child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution, which will receive it, for like purposes, without charge to the public authorities, and for the purpose of ascertaining whether or not any child proceeded against as herein provided is in normal health, the court may cause such child to be examined by any reputable physician who will conduct such examination without charge to the public authorities: Provided that no such examination shall be made with-

out the consent of such child's parent, guardian or person having its custody, control or supervision.

§ 9. When any child shall be found to be dependent or neglected within the meaning of this act, the court may allow such child to remain in its own home, subject to the friendly visitations of a probation officer, such child to report to the probation officer as often as may be required, and if the parents, parent, guardian or person having the custody, control or supervision of such child consent thereto, or if the court shall find that the parents, parent, guardian or person having its custody, control or supervision are unfit or improper guardians or are unwilling or unable to care for, protect, educate or discipline such child, and shall further find that it is for the interest of such child and for the people of this State that such child be taken from the custody or control of its parent, parents, guardian or other person having its custody, control or supervision. The Court may cause such child to be placed in a suitable home, subject to the friendly visitation and supervision of a probation officer, or cause it to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board, and subject to the friendly visitation and supervision of a probation officer; or the court may commit such child to the care of some association, society or corporation willing to receive it, embracing in its objects the care of neglected, dependent or delinquent children, provided however, that the court does not commit any dependent or neglected child, within the meaning of this act to any association, society or corporation receiving delinquent children, unless suitable provision is made by such association, society or corporation for separating delinquent from neglected or dependent children. Any dependent or neglected child committed as herein provided shall be committed for such time during its minority as the court may deem fit, and the court at any time thereafter may set aside, change or modify such order.

§ 10. All female children embraced within the provisions of

this act shall be committed to or released from any institution shall be taken to and from such institution by a woman attendant.

§ 11. Whenever it shall appear to the Court, in the case of any child under this act taken from its home, that the home of such child, of its parents, former guardian or custodian is a suitable place for such child, and that such child could be permitted to remain or ordered to be returned to said home, consistent with the public good, and the good of such child, the court may order such child returned to its home under probation, or otherwise; it being the intention of this act that no child shall be taken away from, or kept out of its home, or away from its parents or guardian any longer than is reasonably necessary to preserve the welfare of such child and the interests of the State.

§ 12. The court may from time to time cite into court any person, institution or association to whose care any dependent, neglected or delinquent child has been awarded, and require him or it to make a full, true and perfect report as to his or its doings in behalf of such child; and it shall be the duty of such person, institution or association, within ten days after such citation, to make such report either in writing verified by affidavit, or verbally under oath in the court, or otherwise as the court shall direct; and upon the hearing of such report, with or without further evidence, the court may, if it sees fit, take such child away from such person, institution or association, and place it with any other person, or in any other institution or association, or restore such child to the custody of its parents or former guardian or custodian.

§ 13. Any child found to be dependent, neglected or delinquent as defined in this act, and committed by the court to any institution or association or individual, shall be held by such institution or association by virtue of the order entered of record in such case, and the clerk of the court shall issue and cause to be delivered to such institution or association or individual a certified copy of such order

of the court, which certified copy of such order shall be proof of the authority of such institution or association in behalf of such child, and no other process need issue to warrant the keeping of such child.

§ 14. The court in committing any child as herein provided shall place it as far as practical in the care and custody of some individual holding the same religious belief as the parents of such child, or with some institution or association which is controlled by persons of like religious faith of the parents of such child.

§ 15. In any case in which the court shall find a child neglected, dependent or delinquent, if it shall appear in the same or subsequent proceedings that the parent or parents of such child are able to contribute to the support of such child, the court shall enter an order requiring such parent or parents to pay to the clerk of the Court to be disbursed as ordered by the court or to the person to whom, or the institution to which such child may be committed a reasonable sum from time to time for the support, maintenance or education of such child, and the court may order such parent or parents to give reasonable security for the payment of such sum or sums, and upon the failure to pay, the court may enforce obedience to such order in any way in which a court of equity may enforce its orders or decrees. The court may on application, and on such notice as the court may direct, from time to time, make such alterations in the allowance to be paid, as shall appear reasonable and proper.

§ 16. If in adjudging a child to be delinquent, the court shall find as an element of such delinquency that such child has committed an act involving liability in a civil suit the court may require that such child shall make restitution or reparation to the injured person to such an extent, in such a sum and upon such conditions as the court shall determine.

§ 17. In counties having a city of the first or second class the County Court may appoint a stenographer who under the direction of the Court, shall take down in shorthand such evidence offered in the proceedings as the Court may deem necessary, and said sten-

ographer shall make a transcript of the substance of the evidence taken down and file such transcript with the papers of the proceedings herein. Such stenographer shall perform such other duties as may be assigned to him by the Judge of the County Court. Such stenographer shall receive a salary to be fixed by the judge of the County Court not exceeding $60.00 per month, to be paid as provided for herein.

§ 18. This act shall be liberally construed, to the end that its purpose may be carried out, to-wit: That the child may be cared for as would be done by a court of chancery and that it may be trained and disciplined; that the care, supervision and discipline of the child shall approximate as nearly as may be that which should be given by its parents. The proceedings involving the child shall not be deemed to be criminal proceedings and the child shall not be considered as a criminal, but as a child in need of aid, encouragement and guidance.

§ 19. The County Judge of each County may appoint a Board of not less than six or more than ten reputable inhabitants, who will serve without compensation or salary of any kind whatsoever, to be called the Advisory Board of the County Court, Juvenile Session. The members of said Board shall hold office during the pleasure of the Court. The duties of said Board shall be as follows:

A. To visit as often as once a year all institutions, societies or associations receiving children under this act. Such visits shall be made by not less than two of the members of said Board, who shall go together, and make a report and said Board shall report to the County Court from time to time the condition of the children received by or in charge of any persons, institutions or associations, and shall make an annual report to the Judge of the County Court.

B. To advise and co-operate with the Judge of the County Court upon all matters affecting the workings of this act, and to recommend to the court any and all needful measures for the purpose of carrying out the provisions of this act.

§ 20. Whenever a petition shall have been filed or whenever a case involving any child shall have been transferred to the court as provided herein, it shall be the duty of the probation officer:

1. Immediately or as soon thereafter as possible, to make a thorough investigation, not only into the nature of the specific act complained of, but into any and all circumstances surrounding the child which may, in any way, throw light upon the future care and guidance which should be given it. This investigation shall include an inquiry into its exact age, habits, school record, general reputation and everything which may pertain to its life and character. This investigation shall also include an inquiry into the home conditions, life and character of its parent, parents, guardian or person having its custody, supervision and control.

The result of this inquiry shall be presented in writing to the Judge of the Court previous to the hearing of the child's case and shall become part of the record of the proceedings.

2. It shall also be the duty of the probation officers to be present in court to represent the interest of the child when the cases investigated by such probation officers shall be heard, to furnish such information as may be required; to advise with the court as to the proper disposition of the case; take such charge of the child before and after the hearing as may be ordered.

3. The probation officers shall keep themselves informed as to the condition and conduct of children placed on probation to them, and as far as practicable, aid and encouragement should be given by friendly advice and admonition, to keep the terms of their probation; and by the exercise of interest and concern in their welfare, reclaim them from evil courses. All probation officers shall make report to the chief probation officer or to the court at such times as may be ordered.

4. No probation officer shall divulge or communicate to any per-

son other than to the court, or to the board provided herein, without the consent of the county judge, any fact or information obtained pursuant to the discharge of his duties, nor shall any record of my proceedings be made public, except by leave of the judge of the county court.

The foregoing shall not relieve the probation officer from divulging such facts as a witness on the trial of any case, or the hearing of any proceedings, nor the production of such records for use on any trial or proceeding.

5. In counties in which there is a chief probation officer it shall be the duty of such chief probation officer to direct and be responsible for the investigation of all cases filed as provided herein; and direct the transfer of children to and from institutions; and when children shall be placed on probation, to direct the work of all probation officers in whose charge the children have been placed, to secure from such officers regular reports, to visit all children under the care of the court unless excused by the court at least twice a year, to advise and counsel with all other probation officers and to preserve for use in the court or probation office, complete records of the subsequent conduct of the probationer.

6. Upon the termination of the probation period the probation officer shall report the fact to the court, and also the conduct of the probationer during the period of probation, and the court may thereupon discharge the probationer from further supervision, or extend the probation period as the circumstances require, and when the probationer is so discharged the entry of the discharge shall be made in the records of the court, together with a statement of the conduct of the probationer during the term of his probation.

§ 21. For the purpose of paying salaries and expenses provided for herein and necessary to carry out the purposes of this act the Fiscal Court of each county containing a city of the first or second class and the municipal board of said cities are authorized and empowered

to levy an annual tax of not less than ¼ of a cent on each $100.00 of all taxables in their respective cities and counties. The sum derived from said taxation by the municipal board of said cities of the first and second class may be turned over by said municipal boards to the County Treasurer of said respective counties to be disbursed by him under orders of the Fiscal Court of said respective counties for the purpose of paying salaries and expenses as aforesaid. In case the Fiscal Court of said counties contain a city of the first and second class and the municipal Boards of said cities shall fail to levy a tax as aforesaid, the salaries and expenses provided for herein shall be paid equally by the Fiscal Court of said counties and the municipal boards of said cities out of the county and city levy for general purposes and in such event the municipal Boards of said respective cities may turn over to the County Treasurer their respective proportion of said salary and expenses to be disbursed by said County Treasurer under orders of the Fiscal Court.

§ 22. An act entitled "An act fixing and defining the powers of the several County Courts within this Commonwealth with reference to the care, treatment and control of delinquent, neglected and dependent children, and providing for the means whereby such powers may be exercised," approved March 21, 1906, is hereby repealed.

§ 23. If any section of this act shall be held to be invalid, such fact shall not affect any other section of this Act; it being the intention of the General Assembly in enacting this Act to enact each section separately; and if any proviso or exception contained in any section of this Act shall be held to be invalid, such fact shall not affect the remaining portion of said section; it being the intention of the Legislature to enact each section of this Act and each proviso and exception thereto separately.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at

length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution, were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	C. W. G. Hannah,	Jesse F. Nichols,
Robert H. Anderson,	Robert L. Harris,	G. W. Parrott,
O. P. Applegate,	John P. Haswell, Jr.	C. C. Patrick,
Louis W. Arnett,	W W. Hopkins,	John C. Pirtle,
J. W. Berkshire,	R. Dillard Hunter,	**J. F. Porter,**
P. W. Berkshire,	F. M. Hutcheson, Jr.	R. S. Rector,
F. Pierce Blair,	R. F. Hutchinson,	G. T. Reynolds,
O. Houston Brooks,	W. Harrison Isaacs,	Isaac G. Rice,
Frank J. Brown,	J. H. Jackson,	H. A. Schoberth,
W. N. Brown, Jr.	T. C. Jackson,	John T. Shanklin,
J. T. Buford,	W. H. Jones,	J. A. Sloan,
Albert Butler,	W. F. Klair,	John L. Smith,
C. C. Chase,	W. L. Kimbrough,	Sawyer A. Smith,
W. A. Cope,	Cleves G. Kinkead,	John S. Steers,
Denver B. Cornett,	A. T. Knox,	R. E. Stewart,
Dr. C. F. Crecelius,	A. T. Lee,	W. H. Strange,
John T. Davis,	E. W. Lillard,	J. W. Stump,
W. A. B. Davis,	J. B. Maynard,	J. A. Sullivan,
Henry H. Denham,	W. C. McChord,	Eugene W. Tandy,
Wm. E. Dowling,	Emanuel Meyer,	C. S. Templeman,
W. F. Edmunds,	H. L. Myers,	Wm. M. Thompson,
Robert Enlow,	Duncan Milliken,	John P. Wallace,
S. L. Givan,	Garfield Moore,	Geo. S. Wilson,
F. E. Graves,	Chris. Mueller,	J Hal. Woodford,—72

Those who voted in the negative were—

R. L. Gwathmey,	E. E. Wash,	W. C. Wynn,	—4
W. J. Jackson,			

Resolved, that the title thereof be as aforesaid.

Mr. Klair, of the Committee on Municipalities, to which the same had been recommitted with leave to report at any time, reported a bill entitled:

H. B. 262. An act fixing and defining the powers of the several County Courts within this Commonwealth with reference to persons responsible for or directly promoting or contributing to the conditions that render a child dependent, neglected or delinquent, and providing how such powers may be exercised.

Together with sundry amendments proposed thereto by said Committee.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any parent, guardian or person having the custody, control or supervision of any dependent, neglected or delinquent child, as defined by the Statutes of this State, or any other person who shall knowingly or willfully encourage, aid, cause, abet, or connive at such state of dependency, neglect or delinquency, or who shall knowingly or willfully do any act or acts to directly produce, promote, or contribute to the conditions which render such a child a dependent, neglected or delinquent child, or who have the custody, control or supervision of such child, shall, when able to do so, willfully neglect to do that which will directy tend to prevent such state of dependency, neglect or delinquency, or to remove the conditions that render such child either a neglected, dependent or delinquent child, shall be proceeded against as provided herein.

§ 2. Any reputable person, being a resident of the county, having knowledge of a child in the county who appears to be either neglected, dependent or delinquent, and who is not an inmate of a State Institutition or any institution incorporated under the laws of the State of Kentucky for the care and correction of children, or any reform school or industrial school for juvenile offenders, and of the person or persons

responsible for or contributing to such state of neglect, dependency or delinquency as in the Statutes defined, may file with the Clerk of the County Court, a petition in writing setting forth the facts verified by affidavit. It shall be sufficient that the affidavit is upon information and belief; or the judge of the county court, from his personal knowledge or from information given him, may direct such petition to be filed by a duly appointed probation officer.

The petition shall set forth the name and residence of the child and of its parent or guardian or other person having the custody, control or supervision of such child, and of the person or persons responsible for or contributing to the dependency, neglect or delinquency of such child.

Upon the filing of the petition, a summons shall issue requiring all persons named in the petition to appear at a place and time stated in the summons, which time shall not be less than twenty-four hours after service. Such summons may be served by the sheriff, any constable, police officer, or probation officer. If the person summoned shall fail to appear, the court may issue an attachment for such person's personal attendance in court at the time to be stated therein and upon execution of the attachment, such person may give bond for his appearance at the time named therein in the sum of $100.00 provided that it shall be made to appear by affidavit that there are good reason to believe that the person proceeded against will leave the jurisdiction of the court before the day set for the trial of the proceedings herein, the court may cause a warrant to issue directed to the sheriff or an officer authorized by law to serve a warrant, commanding such officer to take the person named therein and bring him forthwith before the court or judge thereof and the court or judge thereof may thereupon make such interlocutory orders as are proper in the premises.

§ 3. If upon hearing of the matter in court, the court is satisfied that the person proceeded against is responsible for or has contributed to the neglect, dependency, or delinquency, of the child or

children named in the petition, as defined under the laws of this Commonwealth, the court may enter a judgment determining such facts and requiring such person to do or omit to do any act or acts complained of in the petition. And for the purpose of enforcing its judgment, the court in its discretion, may continue the proceedings from time to time and release such person on probation during the period of one year. The court may further, in its discretion, as part of the judgment, require such person to enter into a bond to the Commonwealth of Kentucky, with or without surety, in such sum as the court may direct, to comply with the orders of the court.

§ 4. In trials under this Act, the person proceeded against shall have the right to have a trial by jury which shall be granted as in other cases unless waived.

If the finding of the jury be against the person tried, their verdict shall so state in which event the court, in its discretion may enter such judgment, as to it seems needful, in the premises as provided.

§ 5. If the judgment of the court be that the person proceeded against shall execute bond as provided herein, such bond shall be executed within such time as the court may fix; if the person proceded against should fail within the time fixed to execute such bond, the court shall commit such person to jail there to remain until he shall give bond or perform the judgment of the court. The court may enforce obedience to its orders in any way in which a court of equity may enforce its orders or decrees.

§ 6. If the court be satisfied by information or evidence under oath that at any time during the year the person proceeded against has violated the terms of the court's order or the terms of said bond, the court may direct the County Attorney to institute proceedings on said bond in any court having jurisdiction of the sum fixed in said bond; the sum so recovered on such bond shall be expended for the care and maintenance of such child under the direction of the court.

§ 7. This Act shall be liberally construed in favor of the State for the purpose of the protection of the child from neglect, or omission of parental duty toward the child by its parents, and further to protect the child from the effects of the improper conduct or acts of any person which may cause, encourage, or contribute to the dependency, neglect, or delinquency of such child,—although such person is in no way related to such child.

§ 8. The county courts of the several counties of this State shall have exclusive jurisdiction of all cases coming within the terms and provisions of this act.

§ 9. Nothing in this Act shall be construed to be in conflict with, or to prevent proceedings under any Statute of the State against any person for the commission of any act for which such person may be proceeded against as provided herein. Upon the hearing of any case herein, the court, in its discretion, may order the proceeding herein to be dismissed and direct the County Attorney to take any and all needful steps to prosecute such person in accordance with the laws of the State concerning the commission of crimes.

§ 10. An Act entitled "An Act to provide for the punishment of persons responsible for or directly promoting or contributing to the conditions that render a child dependent, neglected or delinquent," approved March 17, 1906, is hereby repealed.

§ 11. If any section of this Act shall be held to be invalid, such fact does not affect any other section of this Act; it being the intention of the General Assembly in enacting this Act to enact each section separately; and if any proviso or exception contained in any section of this Act shall be held to be invalid, such fact shall not affect the remaining portion of said section; it being the intention of the General Assembly to enact each section of this Act and each proviso and exception thereto separately.

The amendments as proposed thereto by the committee are as follows:

Amend section 1, line 9, by striking out the words "when able to do so."

Amend page 2, line 20, by striking out the sum of $100 and insert "such sums as the court may direct."

Amend page 3, section 6, third line from the bottom of the page after the word "direction" and add "and discretion."

Said amendments were severally agreed to.

Ordered, that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, the said bill as amended was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution, were as follows:

Those who voted in the affirmative were—

A. A. Allphin,	R. Dillard Hunter,	J. F. Porter,
Robert H. Anderson,	R. F. Hutchinson,	R. S. Rector,
O. P. Applegate,	W. Harrison Isaacs,	G. T. Reynolds,
Louis W. Arnett,	J. H. Jackson,	Isaac G. Rice,
Elliott B. Beard,	W. J. Jackson,	H. A. Schoberth,
J W. Berkshire,	T. C. Jackson,	W. H. Shanks,
P. W. Berkshire,	W. H. Jones,	John T. Shanklin,
F. Pierce Blair,	W. F. Klair,	J. A. Sloan,
O. Houston Brooks,	W. L. Kimbrough,	John L. Smith,
Frank J. Brown,	Cleves G. Kinkhead,	John S. Steers,
J. T. Buford,	A. T. Knox,	R. E. Stewart,
Albert Butler,	A. T. Lee,	W. H. Strange,
C. C. Chase,	E. W. Lillard,	J. W. Stump,
Denver B. Cornett,	Hugh Mahin,	J. A. Sullivan,
Dr. C. F. Crecelius,	J. B. Maynard,	D. P. Taggart,
W. A. B. Davis,	W. C. McChord,	Eugene W. Tandy,
Thurman B. Dixor,	Emanuel Meyer,	C. S. Templeman,
W. F. Edmunds,	H. L. Myers,	Wm. M. Thompson,

Robert Enlow,	Duncan Milliken,	Geo. C. Waggoner,
John Feland,	Garfield Moore,	John P. Wallace,
S. L. Givan,	Chris. Mueller,	E. E. Wash,
F. E. Graves,	Jesse F. Nichols,	W. R. Whitlow,
C. W. G. Hannah,	G. W. Parrott,	W. C. Wynn,
Robert L. Harris,	John C. Pirtle,	Geo. S. Wilson, —73
John P. Haswell, Jr.		

Those who voted in the negative were—

Samuel. J. Patrick,

Resolved, that the title thereof be as aforesaid.

The House took up for consideration from the calendar a bill entitled:

H. B. 141. An act for the government and regulation of the Common Schools of this Commonwealth.

Ordered, that said bill be read the second time.

The provisions of the constitution as to the second reading of said bill at length being dispensed with, said bill was read the second time by its title.

Ordered, that said bill be made the special order of the day for Friday, March 6, at 11 o'clock a. m.

The House took up for consideration from the calendar a bill entitled:

H. B. 210. An Act to amend Section 4643 of the Kentucky Statutes.

Ordered, that said bill be read the second time.

The provision of the constitution as to the second reading of said bill at length being dispensed with, said bill was read the second time by its title.

Ordered, that said bill be made the special order of the day for Thursday, March 5, at 11:45 a. m.

The House took up for consideration from the calendar a bill entitled:

H. B. 32. An Act defining the crime of abortion and prescribing a penalty therefor.

Ordered, that said bill be read the second time.

The constitutional provision as to the second reading of said bill at length being dispensed with, said bill was read the second time by its title.

Ordered, that said bill be made the special order of the day for Monday, March 9, at 1:30 p. m.

The House took up for consideration from the calendar a bill entitled:

H. B. 66. An act to repeal an act entitled, An act to authorize the organization and maintenance of a graded free school in common school district No. 3 in Johnson county, approved March 29, 1898.

Ordered, that said bill be read the second time.

The constitutional provision as to the second reading of said bill at length being dispensed with, said bill was read the second time by its title.

Ordered that said bill be made the special order of the day for Thursday, March 5, at 1 o'clock p. m.

The House took up for consideration from the calendar a bill entitled:

H. B. 93. An act to amend so much of Section 965 of Kentucky Statutes as relates to the time of holding courts in the Second Circuit Court District.

Ordered that said bill be read the second time.

The constitutional provision as to the second reading of said bill at length being dispensed with, said bill was read the second time by its title.

Ordered that said bill be made the special order of the day for Thursday, March 5, at 10:50 a. m.

The House took up for consideration from the calendar bills of the following titles, viz.:

H. B. 120. An act to amend Section 1308 of the Kentucky Statutes.

H. B. 84. An act to amend Section 1309 Kentucky Statutes, and thereby increase the penalty for carrying concealed deadly weapons.

H. B. 205. An act to create an Educational Commission, to define its powers and duties, and to provide for its expenses.

H. B. 237. An act to amend and re-enact sub-Section 6 of Section 4370, Chapter 113, Article 2 of the Kentucky Statutes.

H. B. 146. An act providing for teaching the effects of alcohol and narcotics in public schools.

H. B. 238. An act to amend an act entitled, An act concerning the education of children, which became a law March 28, 1896, being known as Section 4521a of the Kentucky Statutes.

H. B. 68. An act further regulating the liabilty of common carriers doing business in this State, to their employes, for injuries sustained by such employes while in the performance of their duties to such common carriers.

H. B. 71. An act to qualify the risks to be deemed as assumed by employes.

H. B. 150. An act to repeal or re-enact Sub-Divison 1 and 2 of Article XV of Chapter 46 Kentucky Statutes, entitled, Exempted

Property, the sections being repealed being Sections 1697, 1698, 1699, 1700, 1702 of said Statutes.

H. B. 310. An act to amend Section 2253 Kentucky Statutes, (Qualifications of petit jurors.)

H. B. 268. An act to amend an act amending Section 965 of Kentucky Statutes, which relates to the time of holding courts in the 12th judicial district.

H. B. 138. An act to change the court calendar of the 13th judicial district.

H. B. 175. An act to further regulate the sale of spirituous, vinous and malt liquors in this Commonwealth.

S. B. 108. An act relating to the assessment of property for taxation.

Ordered that said bills be severally read the second time.

The constitutional provision as to the second reading of said bills at length being dispensed with, said bills were severally read the second time by their titles.

Ordered that said bills be placed in the orders of the day.

The hour of twelve having arrived, Mr. Klair moved that the consideration of the orders of the day be postponed, and the standing committees be called.

Said motion was agreed to.

The committees to which the same had been referred reported bills of the following titles.

Mr. Sullivan, of the Committee on State College and State Normal Schools:

S. B. 83. An act to accept the provisions of an act passed by the Congress of the United States and approved March 16, 1906, to

provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditures thereof.

By Mr. Buford, of the Committee on State Capitol:

S. B. 164. An act to appropriate an additional sum of $460,000 for the erection and completion of the new Capitol and other State buildings now in the course of construciton.

By same:

S. B. 155. An act to appropriate $50,000 for the purpose of purchasing a site and building an Executive Mansion, and to provide for heating and lighting of same.

By Mr. Anderson, of the Committee on State Fair:

S. B. 66. An act appropriating money for the erection of buildings upon the State Fair Grounds.

By Mr. John L. Smith. of the Committee on State Prisons and Houses of Reform:

H B. 139. An act to amend an act entitled, An act for the benefit of the penitentiaries at Frankfort and Eddyville, and appropriating money for the erection of necessary buildings and improvements at said institutions.

By same:

H. B. 232. An act to amend an act entitled, An act to amend and re-enact as amended Section One of an act entitled, An act to provide for the operating expenses of the Houses of Reform, approved March 15, 1898, which act was approved March 21, 1902.

By same:

H. B. 231. An act to appropriate money for the benefit of the Houses of Reform, to provide funds to pay the existing deficit, and to make improvements at the Houses of Reform.

By Mr. Mahin, of the Committee on Agriculture:

H. B. 365. An act to prevent circus or wild west shows from showing during live stock or agricultural fairs held in a county seat of this State.

With an amendment thereto by way of substitute therefor.

By same:

H. B. 162. An act to amend an act entitled, An act to regulate the running of motor vehicles upon the public highways of this State and fixing a penalty for violation thereof.

By same:

H. B. 173. An act to require growers of tobacco to procure license before engaging in such occupation.

With an amendment thereto by the way of substitute therefor.

By same:

H. B. 358. An act relating to trade marks for cattle and live stock.

By same:

S. B. 20. An act to amend Section 1784 of the Kentucky Statutes.

By same:

S. B. 117. An act to provide for the teaching of the elements of agriculture in the public schools of this Commonwealth.

By Mr. Wash, of the Committee on Appropriations:

S. B. 167. An act for the benefit of indigent and disabled Confederate soldiers of the late war between the States and for the benefit of indigent wives or servants of Confederate soldiers of the late war between the States, and fixing a penalty for speculating in same.

By same:

S. B. 135. An act to encourage the establishment and maintenance of private contributions of sanatoria in the Commonwealth of Kentucky for the care and treatment of persons suffering from pulmonary tuberculosis, commonly known as consumption, and to make an appropriation to assist such sanatoria as may be already established in Kentucky and those that may hereafter be established.

By same:

H. Res. 8. Resolution for the benefit of ministers of the gospel of the city of Frankfort.

By same:

H. Res. 6. Resolution for the benefit of William Wilson.

Said bills and resolutions were severally read the first time at length and ordered to be placed on the calendar.

By Mr. John L. Smith, of the Committee on State Prisons and Houses of Reform:

H. B. 253. An act to amend an act entitled, An act to amend an act entitled, An act to amend Section 19m, Chapter 4 of an act entitled, An act to create a Board of Penitentiary Commissioners, and regulating the penal institutions of this Commonwealth, session acts 1898, being Chapter 106 of the session acts of the General Assembly for the year 1904, approved March 24, 1904.

With the expression of an opinion that said bill ought not to pass.

By Mr. Wash, of the Committee on Appropriations:

H. B. 218. An act to appropriate $3,213.00 to reimburse the city of Frankfort for money paid for extra police service in 1899 and 1900 while the contest for Governor was being tried.

With the expression of the opinion that said bill ought not to pass.

The question was severally taken, "Shall said bills be read, the

opinion of the committee to the contrary notwithstanding?" and it was decided in the negative.

And so said bills were rejected.

By Mr. Wash, of the Committee on Appropriations, which had originated the same:

H. Res. 10. Resolution to pay the funeral expenses of Virgil McKnight, deceased, late member of the House of Representatives.

Said resolution was read the first time at length, ordered to be printed and placed upon the calendar.

A message was received from the Senate announcing that they had passed bills of the following titles:

1. S. B. 41. An act declaring it unlawful and providing penalties for any person to provide, open, control, manage or keep any room, building, float, vessel, or premises in this Commonwealth wherein any person may assemble and congregate to bet and wager money upon horse races and other contests run and decided in this State or any other State or country, or to aid or abet another in so doing, or to assemble or bet or wager therein.

2. S. B. 76. An act to amend an act entitled, An act to create a State School Book Commission and a County School Book Commission to procure for the use in the public schools of this Commonwealth a uniform series of text books and to define the duties and powers of said commission and to fix the maximum prices of said text books, to make preparations for carrying this act into effect and providing penalties for a violation of the same, being Chapter 3 of the Acts of 1904.

Said bills were ordered to be printed and referred:

1. To the Committee on State Fair.

2. To the Committee on Education No. 2.

And then the House adjourned until this afternoon at 3 o'clock.

AFTERNOON SESSION.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 144. An act to fix the salary of Judges of the Circuit Courts.

Mr. Wilson moved that said bill be recommitted to the Committee on Circuit Courts.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 235. An act to establish a sub-Experiment Station in Eastern Kentucky and a like Station in Western Kentucky.

Mr. Nichols moved that said bill be recommitted to the Committee on Agriculture.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 76. An act to amend an act approved March 13, 1906, entitled, An act to amend an act entitled, An act for the government of cities of the Second Class in the Commonwealth of Kentucky, approved March 19, 1894.

Mr. Klair moved that said bill be recommitted to the Committee on Judiciary.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 204. An act to amend Section 1541 Kentucky Statutes, Carroll's edition 1903.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1541 of the Kentucky Statutes, Carroll's edition 1903, be, and the same is hereby amended by adding after the word "sheriff" in line four, the words, "and judge, whose duty it is to accompany him," and by adding to said section the following words: "The fiscal court shall, at its regular October term, provide for the payment of all the election officers of the ensuing November election, which payment shall be made out of the levy of the year in which the services are rendered, or out of any money in the hands of the treasurer or sheriff not otherwise appropriated;" so that said section, as amended, shall read as follows:

"Officers of elections shall receive pays as follows: Judges, two dollars each; sheriffs, two dollars each; clerks, two dollars each.

In all elections to fill vacancies, the same fees. For delivering election returns the sheriff and judge, whose duty it is to accompany him, shall also receive eight cents for each mile necessarily traveled from the place of voting to and from the place of delivery. The fiscal court shall at its regular October term provide for the payment of all election officers of the ensuing November election, which payment shall be made out of the levy of the year in which the services are rendered, or out of any money in the hands of the treasurer or sheriff not otherwise appropriated."

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

Ordered, that said bill be read the third time.

The constitutional povisions as to the third reading of said bill

at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution, were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Robert H. Anderson,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.,
J. T. Buford,
Albert Butler,
C. C. Chase,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Thurman B. Dixon
Wm. E. Dowling,
Robert Enlow,
S. L. Givan,
F. E. Graves,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
W W. Hopkins,
R. Dillard Hunter,
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
A. T. Knox,
E. W. Lillard,
Hugh Mahin,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
Garfield Moore,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
J. A. Sloan,
John L. Smith,
John S. Steers,
W. H. Strange,
D. P. Taggart,
C. S. Templeman,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson,
J. Hal. Woodford,
—67

Resolved, that the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entiled:

H. B. 75. An act to amend Section 3646 Kentucky Statutes.

Together with the amendment by way of substitute as proposed for

said bill by the Committee on Fourth, Fifth and Sixth Classes.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3646 of the Kentucky Statutes be, and the same is hereby amended and re-enacted, so that when so amended and re-enacted, it will read as follows:

§ 3646. Nothing contained in this chapter shall be construed to prevent any city having an indebtedness existing prior to September 28, 1891, from levying and collecting such taxes for the payment of such indebtedness and the interest thereon as are provided for in such laws in addition to the taxes herein authorized to be levied and collected. Such city council shall have the right to issue renewal or funding bonds in payment of the bonded and floating debt of any such city contracted under laws existing at the date of the adoption of the present constitution of Kentucky; provided, that the issual of said renewal and funding bonds shall not exceed the principal of said bonded and floated debt, nor bear interest exceeding six per cent per annum, and said renewal and funding bonds shall not be sold for less than par and accrued interest. All moneys received from licenses, poll-tax and from fines, penalties and forfeitures for violations of ordinances or by-laws, shall be paid into the general fund.

The substitute above referred to is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section Three Thousand Six Hundred and Forty-Six of the Kentucky Statutes be, and the same is hereby amended and re-enacted, so that when so amended and re-enacted, it will read as follows:

Section 3646. Nothing contained in this chapter shall be con-

strued to prevent any city having an indebtedness existing prior to September twenty-eight, one thousand eight hundred and ninety-one from levying and collecting such taxes for the payment of such indebtedness and the interest thereon, as provided for in such laws, in addition to the taxes herein authorized to be levied and collected. Such city council shall have the right to issue renewal or funding bonds in payment of the bonded and floating debt of any such city, existing at the date of the passage of this Act: *Provided,* That the issual of said renewal and funding bonds shall not exceed the principal of said bonded and floating debt, nor bear interest exceeding six per cent per annum, and said renewal and funding bonds shall not be sold for less than par and accrued interest.

Upon the issuance of said bonds such city shall annually carry to a sinking fund an amount sufficient to pay the annual interest on said bonds, and to create a fund for their purchase from time to time, or redemption at maturity.

All moneys received from licenses, poll tax and from fines, penalties and forfeitures for violations of ordinances or by-laws, shall be paid into the general fund.

Said substitute was agreed to.

Ordered that said bill as amended by said substitute, be engrossed and read the third time.

Th constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution, were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin, W W. Hopkins, John C. Pirtle,

Robert H. Anderson,
O. P. Applegate,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.,
J. T. Buford,
Albert Butler,
Denver B. Cornett,
C. C. Chase,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
Robert Enlow,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
C. W. G. Hannah,
John P. Haswell, Jr.
R. Dillard Hunter,
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Hugh Mahin,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Jesse F. Nichols,
G. W. Parrott,
C. C. Patrick,
Samuel. J. Patrick,
W. V. Perry,
G. L. Perryman,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. A. Sullivan,
D. P. Taggart,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
J. P. Wallace,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford,
—76

Those who voted in the negative were—

R. L. Gwathmey,

Resolved, that the title thereof be as follows, viz.:

An act to amend and re-enact Section 3646 of the Kentucky Statues.

The House took up for ocnsideration from the orders of the day a bill entitled:

H. B. 90. An act relating to financial statements of cities of the sixth class.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Board of Trustees of all towns of the sixth class, in this State shall, during the month of January in each year, publish in one issue of a newspaper published in and having a general circulation in the county in which the town is situated, a financial statement for the previous year showing the amount of taxable property in the town, the rate of taxation and the amount due therefrom; the number of citizens subject to poll tax, and the amount due therefrom; the total amount of taxes due the town from all sources, the amount that has been collected in each department and the amount uncollected; the amount of money received by the town from all sources during the preceding year and the source from which it was derived; the amount of money expended by and for the town during the preceding year and to whom paid and for what service.

Provided, That this act shall not apply to towns whose annual revenue does not amount to at least two hundred and fifty dollars.

§ 2. That the trustees, and each of them, of any town that fails or refuses to comply with the provisions of section one of this act shall be fined twenty-five dollars for each offense, the penalty to be recovered by indictment in the Circuit Court or by warrant in an inferior court.

Mr. Sloan offered an amendment to said bill as follows:

"Amend by striking out the words 'and fifty.'"

Said amendment was disagreed to.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title.

Said bill was rejected.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson,	J. H. Jackson,	H. A. Schoberth,
Elliott B. Beard,	W. J. Jackson,	W. H. Shanks,
O. Houston Brooks,	W. F. Klair,	J. A. Sloan,
Frank J. Brown,	E. W. Lillard,	John L. Smith,
W. N. Brown, Jr.,	Hugh Mahin,	John S. Steers,
Dr. C. F. Crecelius,	H. L. Myers,	J. A. Sullivan,
Wm. E. Dowling,	Jesse F. Nichols,	Wm. M. Thompson,
F. E. Graves,	A. C. Oliver,	Geo. C. Waggoner,
Robert L. Harris,	G. W. Parrott,	E. E. Wash,
R. Dillard Hunter,	W. V. Perry,	W. C. Wynn,
W. Harrison Isaacs,	J. F. Porter,	Geo. S. Wilson, —33

Those who voted in the negative were—

A. A. Allphin,	R. L. Gwathmey,	C. C. Patrick,
O. P. Applegate,	C. W. G. Hannah,	Samuel J. Patrick,
J. W. Berkshire,	John P. Haswell, Jr.	John C. Pirtle,
F. Pierce Blair,	W W. Hopkins,	R. S. Rector,
J. T. Buford,	R. F. Hutchinson,	G. T. Reynolds,
Albert Butler,	T. C. Jackson,	John T. Shanklin,
C. C. Chase,	W. H. Jones,	Sawyer A. Smith,
Denver B. Cornett,	W. L. Kimbrough,	R. E. Stewart,
John T. Davis,	Cleves G. Kinkhead,	W. H. Strange,
W. A. B. Davis,	A. T. Knox,	J. W. Stump,
Henry H. Denham,	A. T. Lee,	D. P. Taggart,
Thurman B. Dixon,	J. B. Maynard,	C. S. Templeman,
Robert Enlow,	W. C. McChord,	John P. Wallace,
Thos. E. Finley,	Emanuel Meyer,	W. R. Whitlow,
S. L. Givan,	Duncan Milliken,	J. Hal. Woodford,-45

The House took up for consideration from the orders of the day a bill entitled:

H. B. 107. An act to amend Section 20, Article 8 of an act entitled.

An act relating to Revenue and Taxation, approved March 15, 1906.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 20, Article 8, Chapter 22, Acts of 1906, be, and the same is hereby amended by striking from said Section the word "November" wherever it occurs in said section, and insert in lieu thereof the word "December," so that said Section as amended shall read as follows:

"All State, county and district taxes, except as otherwise specially provided, shall be due and payable on and after the first day of March after the assessment, and all taxpayers whose taxes are not paid on the first day of December after the same are due shall be deemed delinquent, and such taxes shall bear interest at the rate of six per cent per annum from the first day of December after they are due until paid; and any person or persons failing to pay their taxes by the first day of December in the year following the assessment for such taxes, shall pay a penalty of six percentum additional on the taxes due and unpaid. The sheriff or collector whose duty it is to receive or collect the taxes, shall collect the interest and penalty and account for the same in the same way in which they are required to collect and account for the taxes."

§ 2. All acts or parts of acts in conflict with this act are, to the extent of such conflict, hereby repealed.

§ 3. It being necessary for officials and taxpayers to know the time when taxes are due and payable and when penalties are attached, an emergency is declared to exist and this act shall take effect from and after its passage and approval by the Governor.

Mr. Strange proposed an amendment to said bill as follows:

Amend by striking out December first and inserting in lieu thereof December fifteenth, wherever they occur.

Said amendment was disagreed to.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Robert H. Anderson,
O. P. Applegate,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
W. F. Edmunds,
Robert Enlow,
Thos. E. Finley,
S. L. Givan,
R. L. Gwathmey,
W. W. Hopkins,
R. Dillard Hunter,
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
W. L. Kimbrough,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Hugh Mahin,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Garfield Moore,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
H. A. Schoberth,
John T. Shanklin,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. A. Sullivan,
D. P. Taggart,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn,

C. W. G. Hannah, Samuel J. Patrick, Geo. S. Wilson, —73
John P. Haswell, Jr.

Resolved, that the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 109. An act to amend an act entitled, An act relating to Revenue and Taxation, approved March 15, 1906.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sections 21, 22, 23, 24 and 25 of Article 8, Chapter 22, Acts of 1906, be and they are hereby repealed.

§ 2. That Section 25, Article 8, of the aforesaid act be and the same is hereby amended and re-enacted to read as follows:

"It shall be the duty of the sheriff or collector who at any time has reasonable grounds to believe and does believe that any person from whom a tax is due is about to remove his property from the State, county or taxing district, or to conceal the same, to immediately collect said taxes as hereinafter provided for the collection of taxes, cost and penalties of delinquent tax payers.

§ 3. That Section 26, Article 8, of the aforesaid act, be, and the same is hereby amended and re-enacted to read as follows:

"As soon as any tax payer becomes delinquent, the sheriff or the collector of the county where the property is liable shall distrain sufficient personal property of such delinquent, if found in the county, to satisfy all taxes, penalties, interest and penalties due. If a sufficient amount of personal property be not found, then he will levy on a sufficient quantity of the delinquent's land for that purpose. But if no land be found belonging to the delinquent, the sheriff shall levy on

any real estate owned by the delinquent at the time of assessment for the taxes or a sufficient amount to satisfy the taxes, the cost, and penalties due. If the sheriff makes illegal or unreasonable seizure and levy for taxes, he shall be liable in damages to the party aggrieved. A sheriff or tax collector shall sell for cash any property belonging to the delinquent tax payer so levied upon or as much thereof as will pay the taxes due, penalties, interest and cost and his commission, in the same manner that property is sold under execution, except that the land shall not be valued, and shall be advertised by posting, for 15 days before the sale, a written or printed notice at the court house door, and by publication once a week for four consecutive weeks prior to the day of sale in a newspaper of general circulation, if there be one in the county; if not, then by printed hand bills posted for 15 days before the sale at the court house door and in three or more conspicuous places in the taxing district; and he shall, not less than 15 days before the sale, mail to the delinquent a postal card addressed to his place of residence or place of business, if such can be ascertained, notifying him of the time and place of sale; and in order to cover the cost of such advertisement and notification, the sheriff or collector shall have one dollar for each person whose property is advertised, to be paid by the delinquent, but in no event to be paid by the State, county or taxing district.

§ 4. That Section 28, of Article 8, of the aforesaid act, be, and the same is hereby amended and re-enacted to read as follows:

"When real estate is sold for taxes, if no one will bid for and purchase such real estate at the amount of tax, interest, penalty and costs, including the cost for advertising and the sheriff's or collector's commission, it shall be the duty of the sheriff or collector to purchase the same for the State, county and taxing district having taxes against the delinquent for the amount of the tax due, interest, penalty, costs and commissions thereon, and he shall make return to the county clerk, as provided in Section 40, of Article 8, and the clerk shall certify the same to the Auditor of Public Accounts, and

the sheriff or collector shall have credit for the amount of such tax due the State in the settlement with the Auditor of Public Accounts. The owner of such real estate, his representatives, heirs or assigns, shall have the right to redeem the same from the State, county and district, or any other purchaser at any time within two years after the day of sale, by paying the purchase money, with interest at the rate of 10 per centum per annum, and in addition 15 per centum penalty upon the total amount of the purchase price and the amount of all costs. The State, county and district shall have the right to possession of lands purchased by them at any time after the expiration of thirty days from the giving of the notice provided for in the next section, and the purchaser, other than the State, county and district, shall have the right to possession of the lands purchased by him at any time after the expiration of six months from the giving of the notice provided for in Section 31. In the redemption of lands sold to the State, county and district for delinquent taxes at any time within the period of two years after the sale, or until the revenue agent, under the direction of the Auditor of Public Accounts, assumes charge of the collection by sale or otherwise, the county clerk is hereby vested with the authority to collect such delinquent taxes, interest. costs, commissions and penalties as prescribed by law, and he shall make report thereof to the Auditor of Public Accounts, the treasurer of the county, and the proper officer of the district as often as the latter officers may require, and not less than once in every thirty days; and he shall pay into the State Treasury all moneys collected by him due the State, and the county treasurer all moneys due the county, and all money due the district to the proper officer thereof, as herein authorized, on the first day of every month, and oftener if required by the Auditor of Public Accounts, or either of the other officers mentioned. Said report of the county clerk, showing the name of each owner and each piece of property redeemed, the years taxes for which delinquent, the assessed valuation for the same for each year, and the total amount paid to the State, county and district for redemption shall be examined by the judge of the county court,

and if found correct certified to the Auditor of Public Accounts, together with the total sum due the State, as shown on said report, less five per centum commission for the collection, which he shall retain for his services.

§ 5. That Section 29, Article 8, of the aforesaid act, be, and the same, is hereby amended and re-enacted to read a follows:

"The sheriff or collector shall, at the time he collects any money from a delinquent, record the tax, interest and penalty on his record book kept for such purpose."

§ 6. That Section 30, Article 8, of the aforesaid act, be, and the same, is, hereby amended and re-enacted to read as follows:

"If the sheriff or collector fails to record the money collected on any delinquent tax payer, as hereinbefore required, or shall fail to collect the amount of any tax, due by any delinquent tax payer, when it is collectible by sale or otherwise, he shall be held liable on his bond for the amount of tax, penalties, interest and costs, due from any delinquent tax payer that was collectible when the same came to his hands, and thirty per centum penalties thereon in each instance, to be recovered in the county court of the county in which such tax is due, on motion of the county attorney or revenue agent in the name of the Commonwealth. The county attorney shall prosecute all such motions, for which services he shall be entitled to the penalties thereon recovered of the sheriff or tax collector; provided, the tax, interest, costs, and penalties due are recovered and paid to the officers entitled to receive the same. The sheriff or collector shall have ten days' previous notice of the motion as herein provided."

§ 7. That Section 40, Article 8, of the aforesaid act, be, and the same is hereby amended and re-enacted to read as follows:

"Within twenty days after the sale, the sheriff or collector shall make report in writing to the county clerk, showing when the sale was made, the steps taken by him with reference thereto, prior to and at the sale, to whom sold, at what price the land was sold, giving

a description of the property sold as fully as he is able to do, which report shall be recorded and indexed by the county clerk in a book to be provided by him for that purpose. The sheriff shall at once notify the county attorney of the filing of said report. Said report, when recorded shall operate as a conveyance and vest the title to the property of all persons *"sui juris"* in the State, county and district, or either when purchased by the State, county and district, or either and shall be constructive notice to the world of the claim existing in favor of the purchaser, whether the State, or county or district, or either an individual, against the lands or persons laboring under no legal disability. If the sheriff shall fail to make said report, he shall be subject to indictment in the circuit court, and, upon conviction, shall be fined not less than five hundred dollars nor more than one thousand dollars for each offense; but the title of the purchaser shall not thereby be affected, and said report may be afterwards filed and recorded with the same effect as in filed and recorded at the proper time.

§ 8. All acts or parts of acts in conflict with this act, are to the extent of such conflict, hereby repealed.

§ 9. Experience having shown that the tax warrant is unnecessary in the collection of taxes, an emergency is hereby declared to exist and this act shall take effect, from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	W W. Hopkins,	W. C. McChord,
Robert H. Anderson,	R. Dillard Hunter,	R. S. Rector,
O. P. Applegate,	R. F. Hutchinson,	G. T. Reynolds,
Elliott B. Beard,	W. Harrison Isaacs,	H. A. Schoberth,

J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon
W. F. Edmunds,
Robert Enlow,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
C. W. G. Hannah,
John P. Haswell, Jr.
J. H. Jackson,
W. J. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Hugh Mahin,
J. B. Maynard,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Chris. Mueller,
Jesse F. Nichols,
G. W. Parrott,
Samuel J. Patrick,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
W. H. Shanks,
John T. Shanklin,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. A. Sullivan,
D. P. Taggart,
C. S. Templeman,
Wm. M. Thompson
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson—70

Resolved, that the title thereof be as aforesaid.

Mr. Wilson entered a motion by which said bill was passed.

Mr. Klair moved that the House do now adjourn.

Said motion was agreed to.

(Thursday, March 5, 1908.)

The House was opened with prayer by Rev. C. R. Hudson, of the Christian Church.

Mr. Hopkins moved that the reading of the journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Wilson and Milliken, were as follows, viz:

Those who voted in the affirmative were—

Robert H. Anderson,	F. M. Hutcheson, Jr.	Samuel J. Patrick,
O. P. Applegate,	R. F. Hutchinson,	G. L. Perryman,
Louis W. Arnett,	W. Harrison Isaacs,	John C. Pirtle,
J. W. Berkshire,	J. H. Jackson,	J. F. Porter,
P. W. Berkshire,	W. J. Jackson,	R. S. Rector,
F. Pierce Blair,	T. C. Jackson,	G. T. Reynolds,
O. Houston Brooks,	W. H. Jones,	Isaac G. Rice,
Frank J. Brown,	W. F. Klair,	H. A. Schoberth,
W. N. Brown, Jr.	W. L. Kimbrough,	John T. Shanklin,
J. T. Buford,	Cleves G. Kinkhead,	John L. Smith,
Albert Butler,	A. T. Knox,	John S. Steers,
C. C. Chase,	A. T. Lee,	R. E. Stewart,
H. K. Cole,	E. W. Lillard,	W. H. Strange,
W. A. Cope,	Hugh Mahin,	J. W. Stump,
Denver B. Cornett,	Wm. S. Markolf,	D. P. Taggart,
Dr. C. F. Crecelius,	J. B. Maynard,	Eugene W. Tandy,
John T. Davis,	W. C. McChord,	C. S. Templeman,
W. A. B. Davis,	Emanuel Meyer,	Geo. C. Waggoner,
Henry H. Denham,	H. L. Myers,	John P. Wallace,
Wm. E. Dowling,	Duncan Milliken,	E. E. Wash,
Robert Enlow,	Garfield Moore,	Harry Weitkamp,
Thos. E. Finley,	Chris. Mueller,	W. R. Whitlow,

R. L. Gwathmey,	Jesse F. Nichols,	W. C. Wynn,
Robert L. Harris,	A. C. Oliver,	Geo. S. Wilson,
W. W. Hopkins,	G. W. Parrott,	J Hal. Woodford,
R. Dillard Hunter,		—76

Those who voted in the negative were—

C. W. G. Hannah,

Upon a call of the counties and representative districts, bills were introduced and referred as follows, viz:

By Mr. Enlow:

H. B. 436. An act to amend Exemption laws of this State.

Referred to Committitee on Kentucky Statutes.

By Mr. Hopkins:

H. B. 437. An act to amend and re-enact section 1267 Kentucky Statutes.

Referred to Committee on Criminal Law.

By Mr. Rice:

H. B. 438. An act to repeal an act entitled, "An Act to incorporate the town of Flat Gap, in Johnson county, Kentucky.

Referred to Committee on Cities of 4th, 5th and 6th class.

By Mr. Woodford:

H. B. 439. An act protecting female colleges and boarding schools.

Referred to Committee on Public Morals.

Mr. Wilson called up the motion entered by himself on yesterday to reconsider the vote by which the House passed a bill entitled:

H. B. 109. An act to amend an act entitled, "An Act relating to revenue and taxation," approved March 15th, 1906.

Mr. Wilson moved that said motion lie on the table.

Said last motion was agreed to.

Mr. Arnett offered the following resolution:

Be it resolved by the House of Representatives, That whereas we have just learned of the great sorrow that has overtaken our colleague and associate from the county of Kenton, Hon. R. C. Simmons, in the death of his beloved mother, that we hereby extend to him in this hour of affliction our sincere sympathy, and that when we adjourn today it be out of respect to his mother's memory.

Said resolution was unanimously agreed to.

Mr. Steers, of the Committee on Enrollments, reported that they had examined and found correctly enrolled a bill of the following title:

H. B. 140. An act for the benefit of the three education institutions, viz: State University, Eastern Kentucky State Normal School, and Western Kentucky State Normal School; appropriating money for the erection of necessary buildings; furnishing necessary equipment; purchasing necessary additional grounds and providing additional revenues for the maintenance of each of the said institutions, and amending the laws with reference thereto.

Thereupon, all business was suspended, said bill was read at length and compared in open session, and being found correctly enrolled, the Speaker in open session in the presence of the House affixed his signature thereto.

Ordered, that the Enrolling Clerk deliver the same to the Senate for like action by that body.

At 10:50 o'clock a. m. the House took up for consideration the special order of the day for this hour, to-wit: a bill entitled:

H. B. 93. An act to amend so much of Section 965 of the Kentucky Statutes as relates to the time of holding courts in the Second Circuit court district.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 965 of the Kentucky Statutes, in so far as it relates to the Second Circuit Court District, be, and the same is hereby amended, by striking from said section all that part which relates to the time of holding courts in the Second Circuit Court District, and inserting in lieu thereof the following:

§ 2. Second District—McCracken county, at Paducah, on the first Monday in January, Criminal term, eighteen days: first Monday in February, Civil term, forty-eight days: third Monday in April, Criminal term, eighteen days: third Monday in May, Civil term, thirty-six days: fourth Monday in September, Criminal term, eighteen days: fourth Monday in October, Civil term, thirty-six days.

§ 3. Marshall county, at Benton, on the first Monday in April, twelve days: first Monday in July, eighteen days: second Monday in December, twelve days.

§ 4. All laws in conflict with this act are hereby repealed and this act shall take effect and be in force from and after the first day of September, 1908.

Ordered, That said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

That yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	R. F. Hutchinson,	R. S. Rector,
Robert H. Anderson,	W. Harrison Isaacs,	G. T. Reynolds,
O. P. Applegate,	J. H. Jackson,	Isaac G. Rice,
Louis W. Arnett,	W. H. Jones,	H. A Schoberth,
Elliott B. Beard,	W. F. Klair,	W. H. Shanks,
J. W. Berkshire,	Cleves G. Kinkead,	J. A. Sloan,
P. W. Berkshire,	A. T. Knox,	John L. Smith,
O. Houston Brooks,	Hugh Mahin,	Sawyer A. Smith,
Frank J. Brown,	Wm. S. Markolf,	John S. Steers,
J. T. Buford,	J. B. Maynard,	R. E. Stewart,
Albert Butler,	W. C. McChord,	W. H. Strange,
C. C. Chase,	Emanuel Meyer,	J. W. Stump,
H. K. Cole,	H. L. Myers,	J. A. Sullivan,
Dr. C. F. Crecelius,	Duncan Milliken,	D. P. Taggart,
W. A. B. Davis,	Jesse F. Nichols,	Eugene W. Tandy,
W. F. Edmunds,	A. C. Oliver,	C. S. Templeman,
Robert Enlow,	C. C. Patrick,	Wm. M. Thompson,
S. L. Givan,	Samuel J. Patrick,	Geo. C. Waggoner,
John P. Haswell, Jr.	W. V. Perry,	John P. Wallace,
W. W. Hopkins,	G. L. Perryman,	E. E. Wash,
R. Dillard Hunter,	John C. Pirtle,	W. R. Whitlow,
F. M. Hutcheson, Jr.	J. F. Porter,	Geo. S. Wilson, —66

Resolved, That the title thereof be as aforesaid.

Mr. John L. Smith moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

At 11 o'clock a. m. the House took up for consideration the special order of the day for this hour, to-wit: A bill entitled:

H. B. 198. An act providing for the continuation of the Geological, Topographlical and Agricultural Survey of the State of Kentucky and for the continuation of topographical surveys in co-operation with United States Geological Survey.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Curator of the State Geological Department be, and he is hereby authorized and directed to continue the geological, topographical and agricultural survey of the State, which was resumed under provisions set forth in Chapter nineteen, acts of the General Assembly of nineteen hundred and four. It shall be his duty as director of said survey to formulate the plans governing the operations of the survey; to regulate and supervise the work in field and office; to determine the character and order of publication of the reports of the survey, and to perform such geological and other work as may be necessary for the successful conduct of the survey. For his extra services rendered as director of the survey he shall be allowed and paid twenty-five dollars per month, and shall be allowed and paid his necessary field and traveling expenses when absent from his office on business connected with the survey.

§ 2. The director of the survey is hereby authorized to appoint such assistants and employes as may be neccessary for such times as their services may be required. Their compensation shall be such as may be approved by the Governor when recommended by the director, and they shall be allowed and paid their necessary field and traveling expenses. The director is authorized to enter into co-operative arrangements for geological and hydrographical work with the United States Geological Survey in such instances as it may be of advantage to the State to do so.

§ 3. All accounts for expenses presented by members of the Survey shall be itemized and certified to on oath by the person rendering the same, and shall be accompanied by vouchers showing to whom and for what sums set forth as expenditures were paid; and they shall, after receiving the approval of the director of the Survey, then be presented to the Governor for his approval, and the Governor, having approved them, shall thereupon transmit them to the Auditor of Pub-

lic Accounts, who shall draw his warrant on the Treasurer for payment of the same. And the director shall keep an itemized account of all expenditures of whatsoever kind, including all salaries and other items of compensation, under appropriate headings, in a book or books, especially provided for such purpose; and at the end of each quarter of the year he shall submit his accounts so kept to a supervisory board, consisting of the Governor, Secretary of State and Auditor, for their inspection, said accounts having first been checked with the Auditor's books.

§ 4. It shall be the duty of the State Librarian to supply the office of the Geological Survey with all necessary stationery for use of said Survey, as other public offices are supplied, upon the requisition of the director of the Survey.

§ 5. It shall be the duty of the director of the Survey and his assistants to examine and report upon the economic geology of the State especially, as specified in and in accordance with section five of Chapter nineteen, Acts of the General Assembly of nineteen hundred and four, said investigations to be conducted along such lines as will prove of practical value in ascertaining and exhibiting the fitness for commercial and economic uses of the various substances reported upon, and to include such standard and practical tests as are necessary and usual in determining the commercial values of the various materials under investigation; and in furtherance of such practical work, the director, should he deem it advisable, is authorized to purchase or lease a drilling machine for use in prospecting regions where the existence or continuation of coals, ores or other useful substances beneath the surface may not be readily determined in any other way, or to make such other arrangements for borings as may appear most feasible and economical. The underground and surface waters of the State shall be investigated, and the director is authorized should he deem it expedient, to co-operate with the State Forestry Commission in the study of the timbers of the State. Especial attention shall be given to the study of the soils of the State, with reference to their conserva-

tion and their fitness for various classes of crops, with a view to determine the proper fertilizers for impoverished or otherwise defective lands, and such results as are appropriate shall be embodied in a soil map; and to the end that the soil investigations may be most effectively carried on, the director is authorized to continue the agreement with the director of the State Agricultural Experiment Station, entered into under authority of Chapter forty-nine of the Acts of the General Assembly of nineteen hundred and six, for co-operation and assistance in the work. An investigation of road materials shall also be carried on, and such tests be made as come within the means of the Survey, with a view to determining the availability of materials in the various counties of the State for road building, and the best methods of preparing them for local application, and the results shall be embodied in a special bulletin; and the director is authorized to enter into an agreement with such bureau of the Federal Government as may be proper for co-operation in this work. As a contribution toward a better knowledge of the requirements for the safe working of the mines of the State, the technological work of the Survey shall include an investigation of mines, gases and coal dusts and of such other matters as are appropriate, to such extent as the means of the Survey may permit.

§ 6. The reports of the Survey shall consist of subject reports, county reports, miscellaneous bulletins, and a general or index report, accompanied by all diagrams, maps and illustrations necessary to render them full and complete; and the Commissioners of Public Printing shall cause each report and map to be promptly printed, after it shall have been submitted to the Governor, the cost thereof to be paid out of the general expenditure fund as in the case of other official reports. The minimum number of copies of each report and map printed shall not be less than one thousand, and the said Commissioners shall determine the number of copies, if any, which shall be printed in excess of the minimum number, also the grade of paper to be used and the kind of binding, each of which shall be suitable and appropriate

for such character of official publications. Each member and officer of the General Assembly shall be entitled to one copy of each report and map issued during his term; an adequate number shall be distributed to the several State departments at the Capital; two hundred and fifty copies shall be deposited with the State Librarian for sale at cost of printing, and all money received from sales shall be turned into the Treasury to the credit of the general expenditure fund; and the remainder shall be for distribution in such manner by the director of the Survey as will in his judgment best serve to advertise the resources and advance the development of the State. All reports shall be stereotyped, and the Commissioners of Public Printing may order new editions printed of any report or map issued by the Survey whenever in their judgment the public demand for such report or map shall justify such reprinting.

§ 7. The director of the Survey is hereby authorized to enter into agreement with the director of the United States Geological Survey for the continuation of co-operative topographical surveys of this State: Provided, That the United States Geological Survey shall expend in each case of surveying agreed upon an amount equal to that allotted for such work by the director of the Kentucky Survey: And provided further, That such agreement may be made as will in all things prove advantageous to this State, and receive the approval of the Governor.

§ 8. The director of the Survey shall biennially make report to the Governor, to be transmitted to the General Assembly, showing the progress made by the Survey, and giving account of the expenditures that have been made, setting forth in said account, under proper heads, for what purposes said expenditures were made.

§ 9. No official or employe of the Survey shall be interested in any speculation in mineral lands in this State, nor in the buying or selling of such lands; nor shall any one of them give out any private information concerning discoveries they may make in the course of their investigations to other than the owner of the land upon which such discoveries may be made except upon the written authority of the owner,

and nosuch information shall be withheld from any owner. Violation of the provisions of this section by any person employed on the Survey shall be sufficient cause for his removal by the Governor, and no one who has been removed for such cause shall again be employed on the Survey.

§ 10. For the purpose of carrying into effect the provisions of this Act, there is hereby appropriated the sum of fifteen thousand dollars annually for the geological, chemical, technological, soil, and other investigations authorized by this Act, inclduing all salaries and field expenses, together with office expenses, clerical assistance, laboratory and field equipments and supplies, freight charges, maintenance of the State Museum, and all necessary miscellaneous items; and the further sum of ten thousand dollars annually for topographical surveys in co-operation with the United States Geological Survey, subject to the provisions of section seven of this Act: Provided, That in event it should at any time prove that said co-operative work is not being conducted to the best advantage of the State, the Director of the State Geological Survey is hereby authorized to withdraw from such co-operation, when so advised by the Governor, and the mapping may be continued by the State organization alone, or the unexpended balance be turned back into the Treasury and the appropriation for said co-operative surveys cease or be used for other purposes of the Survey, as may be determined by the supervisory board provided for in section three of this Act.

§ 11. Since it is manifest that the work of the Survey should proceed without break, and that those persons now engaged on it should continue at their tasks without interruption, an emergency is hereby declared, and this Act shall take effect upon its approval by the Governor.

Ordered, That said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said

bill at length being dispensed with, said bill was read the third time by its title and passed.

That yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	R. Dillard Hunter,	G. L. Perryman,
O. P. Applegate,	F. M. Hutcheson, Jr.	John C. Pirtle,
Louis W. Arnett,	W. Harrison Isaacs,	J. F. Porter,
Elliott B. Beard,	J. H. Jackson,	R. S. Rector,
J. W. Berkshire,	W. J. Jackson,	G. T. Reynolds,
P. W. Berkshire,	W. H. Jones,	Isaac G. Rice,
F. Pierce Blair,	W. F. Klair,	H. A. Schoberth,
O. Houston Brooks,	W. L. Kimbrough,	W. H. Shanks,
Frank J. Brown,	Cleves G. Kinkhead,	J. A. Sloan,
W. N. Brown, Jr.	E. W. Lillard,	John L. Smith,
J. T. Buford,	Hugh Mahin,	Sawyer A. Smith,
Albert Butler,	J. B. Maynard,	R. E. Stewart,
C. C. Chase,	W. C. McChord,	J. A. Sullivan,
H. K. Cole,	Emanuel Meyer,	Eugene W. Tandy,
Dr. C. F. Crecelius,	H. L. Myers,	C. S. Templeman,
W. A. B. Davis,	Duncan Milliken,	Wm. M. Thompson,
W. F. Edmunds,	Chris. Mueller,	Geo. C. Waggoner,
John Feland,	Jesse F. Nichols,	J. P. Wallace,
Robert L. Harris,	A. C. Oliver,	E. E. Wash,
J. P. Haswell, Jr.	Samuel. J. Patrick,	Geo. S. Wilson, —61
W. W. Hopkins,		

Those who voted in the negative were—

Henry H. Denham,	G. W. Parrott,	D. P. Taggart,
R. L. Gwathmey,	W. H. Strange,	
Wm. S. Markolf,		W. C. Wynn —7

Resolved, That the title thereof be as aforesaid.

Mr. Sullivan moved that the vote by which said was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

At 11:30 o'clock a. m. the House took up for consideration the special order of the day for that hour, to-wit: a bill entitled:

H. B. 152. An act to repeal Chapter 71 Acts 1906.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 71, acts of the General Assembly of Kentucky 1906, entiled "An act to regulate the holding of circuit courts, in which there are towns over 12 miles from the county seat and having a larger population than the county seat," be, and the same is hereby repealed.

Ordered, That said bill engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

That yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	R. Dillard Hunter,	Samuel J. Patrick,
Robt. H. Anderson,	F. M. Hutcheson, Jr.	W. V. Perry,
Louis W. Arnett,	W. Harrison Isaacs,	G. L. Perryman,
Elliott B. Beard,	J. H. Jackson,	John C. Pirtle,
J. W. Berkshire,	W. J. Jackson,	J. F. Porter,
P. W. Berkshire,	W. H. Jones,	H. A. Schoberth,
F. Pierce Blair,	W. L. Kimbrough,	John T. Shanklin,
O. Houston Brooks,	Cleves G. Kinkead,	John L. Smith,
W. N. Brown, Jr.	A. T. Knox,	Sawyer A. Smith,
J. T. Buford,	A. T. Lee,	John S. Steers,
Albert Butler,	E. W. Lillard,	R. E. Stewart,

C. C. Chase,	Hugh Mahin,	W. H. Strange,
H. K. Cole,	Wm. S. Markolf,	J. W. Stump,
W. A. Cope,	W. C. McChord,	J. A. Sullivan,
Denver B. Cornett,	Emanuel Meyer,	D. P. Taggart,
Dr. C. F. Crecelius,	H. L. Myers,	Eugene W. Tandy,
John T. Davis,	Duncan Milliken,	C. S. Templeman,
W. A. B. Davis,	Chris. Mueller,	Wm. M. Thompson,
Henry H. Denham,	Jesse F. Nichols,	John P. Wallace,
S. L. Givan,	G. W. Parrott,	E. E. Wash,
John P. Haswell, Jr.	C. C. Patrick,	Geo. S. Wilson, —64
W. W. Hopkins,		

Those who voted in the negative were—

R. F. Hutchinson,	G. T. Reynolds,	W. R. Whitlow, —5
J. B. Maynard,	Isaac G. Rice,	

Resolved, That the title thereof be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agred to.

At 11:45 o'clock a. m. the House took up for consideration the special order of the day for that hour, to-wit: a bill entitled:

H. B. 210. An act to amend section 4643 of the Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 4643, of the Kentucky Statutes, be, and the same is hereby, amended by striking out the words "In the discretion of the presiding judge," "satisfactorily," and "Provided, That in criminal cases, such testimony shall be so used only upon the consent of the defendent;" and inserting after the words, "or his attorney," the following: "Showing that such witness or witnesses

be dead or without the jurisdiction of the court;" so that the same, after amendment, will read as follows:

"The testimony of any witness or witnesses taken by said reporter in any court or division, as aforesaid, shall constitute a part of the record of the case, and may be used in any subsequent trial of the same case between the same parties where the testimony of such witness or witnesses can not be procured, which fact must be made to appear to the court by the affidavit of the party desiring to use the same, or his attorney, showing that such witness or witnesses be dead or without the jurisdiction of the court."

Ordered, That said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

That yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	R. Dillard Hunter,	J. F. Porter,
Robert H. Anderson,	F. M. Hutcheson, Jr.	R. S. Rector,
Louis W. Arnett,	R. F. Hutchinson,	G. T. Reynolds,
Elliott B. Beard,	W. Harrison Isaacs,	Isaac G. Rice,
J. W. Berkshire,	J. H. Jackson,	H. A Schoberth,
P. W. Berkshire,	W. H. Jones,	W. H. Shanks,
F. Pierce Blair,	W. F. Klair,	John T. Shanklin,
O. Houston Brooks,	A. T. Knox,	J. A. Sloan,
Frank J. Brown,	A. T. Lee,	John L. Smith,
W. N. Brown, Jr.	E. W. Lillard,	John S. Steers,
J. T. Buford,	Hugh Mahin,	R. E. Stewart,
Albert Butler,	Wm. S. Markolf,	W. H. Strange,
C. C. Chase,	J. B. Maynard,	J. W. Stump,
H. K. Cole,	W. C. McChord,	D. P. Taggart,
Denver B. Cornett,	Emanuel Meyer,	Eugene W. Tandy,

Dr. C. F. Crecelius,	H. L. Myers,	C. S. Templeman,
John T. Davis,	Duncan Milliken,	Wm. M. Thompson.
W. A. B. Davis,	Chris. Mueller,	Geo. C. Waggoner,
Wm. E. Dowling,	Jesse F. Nichols,	John P. Wallace,
Robert Enlow,	A. C. Oliver,	E. E. Wash,
John Feland,	G. W. Parrott,	Harry Weitkamp,
S. L. Givan,	Samuel J. Patrick,	W. R. Whitlow,
R. L. Gwathmey,	W. V. Perry,	W. C. Wynn,
C. W. G. Hannah,	G. L. Perryman,	Geo. S. Wilson,
W. W. Hopkins,	John C. Pirtle,	J. Hal. Woodford–75

Those who voted in the negative were—

Thos. E. Finley,

Resolved, That the title thereof be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Mr. Brooks, of the Committee on Cities of the Fourth, Fifth and Sixth Class, to which the same had been recommitted with leave to report at any time, reported a bill entitled:

H. B. 233. An act repealing an act entitled: "An act to incorporate the town of Homer, and repealing an act to amend the charter of the town of Homer.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the town of Homer, Logan county, Kentucky," approved March 11, 1878, 1st session, acts 1878, page 452; and an act, entitled "An act to amend the charter of the town of Homer, Logan county, Kentucky," approved

January 28, 1880, 1st acts 1879, page 65, be, and the same are hereby repealed.

Ordered, That said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Robert H. Anderson,
O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
H. K. Cole,
W. A. Cope,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Wm. E. Dowling,
Robert Enlow,
Thos. E. Finley,
S. L. Givan,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
W. L. Kimbrough,
Cleves G. Kinkhead,
A. T. Knox,
E. W. Lillard,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
Samuel. J. Patrick,
W. V. Perry,
John C. Pirtle,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
J. A. Sloan,
John L. Smith,
John S. Steers,
R. E. Stewart,
J. W. Stump,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson.
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson.
J. Hal. Woodford—71

Resolved, That the title thereof be as aforesaid.

Mr. Klair, of the Committee on Municipalities, to which the same had been recommitted with leave to report at any time, reported a bill entitled:

H. B. 185. An act requiring cities of the First Class to levy and collect a tax of not less than thirty-six cents on each one hundred dollars worth of property assessed for taxation for city purposes for the maintenance of the common schools in said cities, being an amendment to Section 2969 of the Kentucky Statutes, which is a part of an act for the government of cities of the first class, approved July 1, 1893.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2969 of the Kentucky Statutes, being a part of an Act for the government of cities of the first class approved July 1, 1893, be and the same is hereby amended as follows:

By striking out the words and figures in first and second lines of said section reading as follows:

"To raise money for the maintenance of the schools the General Council shall in the year 1893" and inserting in lieu thereof the words:

"To raise money for the maintenance of the schools the General Council shall in the year 1909" and by striking out the clause beginning next after the words "and annually thereafter" in the third line of said section and reading in words and figures as follows:

"cause to be levied and collected a tax of not less than thirty-three (33) cents on each one hundred ($100) dollars worth of property assessed for taxation for city purposes," and inserting in lieu thereof the following words:

"cause to be levied and collected a tax of not less than thirty-six (36) cents on each one hundred ($100) dollars worth of property assessed for taxation for city purposes, so that said section as amended shall read as follows:

To raise money for the maintenance of the schools the General Council, shall in the year one thousand nine hundred and nine, and annually thereafter cause to be levied and collected a tax of not less than thirty-six (36) cents on each one hundred ($100) dollars worth of property assessed for taxation for city purposes.

§ 2. Upon the completion of the assessment of property for taxation, the amount levied as above, shall annually, be passed to the credit of the school fund upon the books of the city, and the said amount, as collected, shall be paid over to the Board by the treasurer in regular weekly installments, the first payment to be made within one week after the collection of said amount shall have been commenced and the other payments to be made weekly thereafter, in current money, by the said treasurer as collected.

Ordered, That said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	W. F. Klair,	H. A. Schoberth,
O. P. Applegate,	W. L. Kimbrough,	John T. Shanklin,
Louis W. Arnett,	Wm. S. Markolf,	J. A. Sloan,
J. W. Berkshire,	J. B. Maynard,	Sawyer A. Smith,
Frank J. Brown,	W. C. McChord,	John L. Smith,
W. N. Brown, Jr.	Emanuel Meyer,	John S. Steers,

J. T. Buford,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
S. L. Givan,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.
W. Harrison Isaacs,
J. H. Jackson,
H. L. Myers,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
R. S. Rector,
Isaac G. Rice,
R. E. Stewart,
W. H. Strange,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson.
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. C. Wynn,
Geo. S. Wilson.
J. Hal. Woodford—55

Resolved, That the title thereof be as aforesaid.

Mr. Emanuel Meyer moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Mr. Perry, of the Board heretofore drawn, selected and sworn to determine the contest to a right to a seat in this House of Representatives from the counties of Bell, Harlan, Leslie and Perry, wherein E. S. Howard is contestant and Denver B. Cornett is contestee, offered the following report, viz.:

We, the undersigned Board of Contest, drawn and sworn to determine the contest in the case of E. S. Howard against Denver Cornett for a seat in the lower House of the Kentucky Legislature from the 39th Legislative district, composed of the counties of Bell, Perry, Leslie and Harlan, do respectfully report to the House that we have tried this contest by reading the testimony and hearing the statements and argument of counsel appearing before us for the contestant and contestee, respectively and being advised, we adjudge, decide and determine that Denver Cornett was duly elected from said Legislative district composed of the above stated counties, Bell, Perry, Leslie and Harlan, and that he received a majority of the legal votes cast at

the said last November election. That your committee has reached this result after throwing out the entire returns made by the election officers in three of the four contested precincts in Harlan county, to which county the contest is confined. Such precincts being thrown out were, to-wit: Numbers 6, 11 and 12 respectively. We further report as to the fourth contested precinct, to-wit: No. 9, in contest in this case, that we find the irregularities and frauds alleged to have been committed in this precinct not sufficiently supported by the proof submitted to justify us in disfranchising the voters of this precinct, though the irregularities practiced by the election officers thereof were of a character to be very gravely apprehended. Having come to this conclusion and decision after a due consideration of the law and the facts in the case, we therefore recommend that the contestee, Denver Cornett, retain his seat in the lower House of the Kentucky Legislature. The committee for further report state that the questions involved in this contest of both law and fact were such as both lawyers and laymen might well differ upon, and while we have not at the end of our deliberations deemed them sufficient to unseat the contestee, yet the contestant has, in our judgment, in good faith presented no idle case before your committee. We therefore recommend that the contestant and contestee be each allowed one hundred and fifty dollars ($150.00) respectively for their attorney's fee and expenses incurred in the prosecution of and the defense of this contest. Respectfully submitted by the Board of Contest this February 12, 1908.

WESLEY V. PERRY, Chairman.
JAMES T. BUFORD.
F. M. HUTCHESON, JR.
W. H. SHANKS.
GARFIELD MOORE.
C. W. G. HANNAH.
W. F. EDMUNDS.

Said report was agreed to.

It is thereupon ordered and adjudged by the House that the said Denver B. Cornett was at the election held in the aforesaid Representative district, viz.: from the counties of Bell, Harlan, Leslie and Perry, on the fifth day of November, 1907, duly and regularly elected Representative from said counties, and as such is entitled to a seat in this House.

Mr. Wilson moved that the vote by which this House agreed to and adopted said report, be reconsidered, and that said motion lie on the table.

Said last named motion was agreed to.

Mr. F. M. Hutcheson, Jr., of the Board heretofore drawn, selected and sworn to determine the contest to a right to a seat in this House as Representative from the County of Jessamine wherein W. B. Buford is contestant and Hugh Mahin is contestee offered the following report, viz.:

We, the undersigned, composing the contest board in the case of Buford against Mahin, after having heard the argument, reading the evidence and being advised, respectfully report that Hugh Mahin, the contestee, was duly elected and is entitled to his seat in the House of Representatives.

F. M. HUTCHESON, JR.
JNO. S. STEERS.
W. F. EDMUNDS.
G. T. REYNOLDS.

Said report was agreed to.

It is thereupon ordered and adjudged by the House that the said Hugh Mahin was at the election held in the aforesaid county on the fifth day of November, 1907, duly and regularly elected Represen-

tative from the said county of Jessamine, and as such is entitled to a seat in this House.

Mr. Wilson moved to reconsider the vote by which the House agreed to and adopted said report, and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Dowling, of the Board heretofore drawn, selected and sworn to determine the contest to a right to a seat in this House of Representatives from the county of Bourbon, wherein H. Clay Howard is contestant and J. Hal. Woodford is contestee, offered the following report:

We, the undersigned, composing the Contest Board in the case of Howard against Woodford, after having heard the argument, reading the evidence and being advised, respectfully report that J. Hal Woodford, the contestee, was duly elected and is entitled to his seat in the House of Representatives.

WM. E. DOWLING, Chairman.
J. W. BERKSHIRE.
E. W. LILLARD.
P. W. BERKSHIRE.
E. W. TANDY.

Said report was agreed to.

It is thereupon adjudged by the House that said J. Hal Woodford was at the election held in the aforesaid county on the fifth day of November, 1907, duly and regularly elected Representative from said county of Bourbon, and as such is entitled to a seat in this House.

Mr. Wilson moved to reconsider the vote by which the House agreed to and adopted said report, and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Sawyer A. Smith, of the Board heretofore drawn, selected and sworn to determine the contest to a right to a seat in this House as Representatives from the county of Lincoln, wherein Ben B. King is contestant and William H. Shanks is contestee, offered the following report:

We, the undersigned composing the Contest Board in the case of King vs. Shanks, after having heard the argument, reading the evidence, and being advised, respectfully report that W. H. Shanks, the contestee, was duly elected and is entitled to his seat in the House of Representatives.

SAWYER A. SMITH.
W. L. KIMBROUGH.
GEO. W. PARROTT.
W. W. HOPKINS.
H. L. MYERS.

Said report was agreed to.

It is thereupon adjudged by the House that the said W. H. Shanks was at the election held in the aforesaid county on the fifth day of November, 1907, duly and regularly elected Representative from the said county of Lincoln, and as such is entitled to a seat in this House.

Mr. Wilson moved to reconsider the vote by which the House agreed to and adopted said report, and that said motion lie on the table.

Said last motion was agreed to.

Mr. F. M. Hutcheson, Jr., of the Board heretofore drawn, selected and sworn to determine the contest to a right to a seat in this House as Representative from the county of Allen wherein J. E. Dalton is contestant and Thurman B. Dixon is contestee, offered the following report:

We, the undersigned composing the Contest Board in the case of J. E. Dalton against Thurman B. Dixon, after having heard the

argument, reading the evidence and being advised, respectfully report that Thurman B. Dixon, the contestee, was duly elected and is entitled to his seat in the House of Representatives.

F. M. HUTCHESON, JR.,
Acting Chairman.
WM. F. KLAIR.
C. S. TEMPLEMAN.
W. W. HOPKINS.
R. F. HUTCHINSON.
J. T. DAVIS.

Said report was agreed to.

It is thereupon adjudged by the House that the said Thurman B. Dixon was at the election held in the aforesaid county on the fifth day of November, 1907, duly and regularly elected Representative from the said county of Allen, and as such is entitled to a seat in this House.

Mr. Wilson moved to reconsider the vote by which the House agreed to and adopted said report, and that said motion lie on the table.

Said last motion was agreed to.

Mr. Anderson, of the Board heretofore drawn, selected and sworn to determine the contestant to a right to a seat in this House as Representative from the county of Hopkins, wherein John B. Brasher is contestant and Thomas E. Finley is contestee, offered the following report.

We, the undersigned composing the Contest Committee in the case of Brasher against Finley, after having heard the argument, reading the evidence and being advised respectfully report that Thos. E. Fin-

ley, the contestee, was duly elected and is entitled to his seat in the House of Representatives.

T. C. JACKSON, Secretary.
F. M. HUTCHESON, JR.
R. H. ANDERSON.
JOHN L. SMITH.

Said report was agreed to.

It is thereupon adjudged by the House that the said Thos. E. Finley was at the election held in the aforesaid county on the fifth day of November, 1907, duly and regularly elected Representative from the said county of Hopkins, and as such is entitled to a seat in this House.

Mr. Wilson moved to reconsider the vote by which the House agreed to and adopted said report, and that said motion lie on the table.

Said last motion was agreed to.

Mr. Milliken, of the Board heretofore drawn, selected and sworn to determine the contest to a right to a seat in this House as Representatives from the counties of Livingston and Crittenden, wherein R. S. Paris is contestant and Albert Butler is contestee, offered the following report:

We, the undersigned composing the Contest Board in the case Paris against Butler, after having heard the argument, reading the evidence and being advised, respectfully report that Albert Butler, the contestee, was duly elected and is entitled to his seat in the House of Representatives.

DUNCAN MILLIKEN, Chairman.
J. H. JACKSON.
GEO. S. WILSON.
W. L. KIMBROUGH.
C. C. CHASE.
HARRY WEITKAMP.

Said report was agreed to.

It is thereupon adjudged by the House that the said Albert Butler was at the election held in the aforesaid counties of Livingston and Crittenden on the fifth day of March, 1907, duly and regularly elected Representative from said Representative district composed of the counties of Livingston and Crittenden, and as such is entitled to a seat in this House.

Mr. Wilson moved to reconsider the vote by which the House agreed to and adopted said report, and that said motion lie on the table.

Said last motion was agreed to.

The House took up for consideration from the calendar bills and resolutions of the following titles, viz.:

S. B. 83. An act to accept provisions of an act passed by the Congress of the United States and approved March 16, 1906, to provide for an increase of annual appropriations for Agricultural Experiment Stations and regulating the expenditures thereof.

S. B. 164. An act to appropriate an additional sum of $460,000 for the erection and completion of the new Capitol and other State buildings now in course of construction.

S. B. 155. An act to appropriate $50,000 for the purpose of purchasing a site and building an Executive Mansion and to provide for the heating and lighting the same.

S. B. 66. An act appropriating money for the erection of buildings upon the State Fair grounds.

H. B. 139. An act to amend an act entitled, "An act for the benefit of the Penitentiaries at Frankfort and Eddyville and appropriating money for erection of necessary buildings and improvements at said penitentiaries.

H. B. 232. An act to amend an act entitled, "An act to amend and

re-enact as amended section one of an act entitled, 'An act to provide for the operating expenses of the Houses of Reform, approved March 15, 1898," which act was approved March 21, 1902.

H. B. 231. An act to appropriate money for the benefit of the Houses of Reform, to provide funds to pay the existing deficit, and to make improvements at the Houses of Reform.

H. B. 365. An act to prevent circus or Wild West shows from showing during live stock or agricultural fairs held in a county seat of this State.

H. B. 162. An act to amend an act entitled, "An act to regulate the running of motor vehicles upon the public highways of this State, and fixing a penalty for violation thereof."

H. B. 173. An act to require growers of tobacco to procure license before engaging in such occupation.

H. B. 358. An act relating to trademarks for cattle and other live stock.

S. B. 20. An act to amend Section 1784 of the Kentucky Statutes.

S. B. 117. An act to provide for the teaching of the elements of Agriculture in the public schools of this Commonwealth.

S. B. 167. An act for the benefit of indigent and disabled Confederate soldiers of the late war between the states and for the benefit of indigent wives of Confederate soldiers of the late war between the states, and fixing a penalty for speculating in same.

S. B. 135. An act to encourage the establishment and maintenance of private contributions of sanatoria in the Commonwealth of Kentucky for the care and treatment of persons suffering from pulmonary tuberculosis commonly known as consumption and to make an appropriation to assist such sanatoria as may be already established in Kentucky and those that may hereafter be established.

H. Res. 8. Resolution for the benefit of the ministers of the Gospel of the city of Frankfort.

H. Res. 6. Resolution for the benefit of William Wilson.

H. Res. 10. Resolution to pay the funeral expenses of Virgil McKnight, deceased, late a member of the House of Representatives.

Ordered, That said bills and resolutions be severally read the second time.

The Constitutional provision as to the second reading of said bills and resolutions at length being dispensed with, said bills and resolutions were read the second time by their titles.

Ordered, that said bills and resolutions be placed in the orders of the day.

The committees to which the same had been referred reported bills of the following titles:

By Mr. Woodford, of the Committee on Banks and Banking.

H. B. 394. An act prohibiting any person, firm, association or corporation except regularly established banks and trust companies from adopting the name or using in advertising the words "bank," "trust" or "savings."

By same:

H. B. 275. An act providing for the security of depositors in incorporated banks of Kentucky, creating a Bank Depositors' indemnity fund, and providing regulations therefor.

With an amendment thereto, by way of substitute therefor.

By Mr. Porter, of the Committee on Charitable Institutions:

H. B. 271. An act to amend an act, Kentucky Statutes, entitled, An act to change the corporate name of the State School for the Education of the deaf children of Kentucky from the Kentucky

Institution for the Education of Deaf Mutes to the Kentucky School for the Deaf.

By same:

H. B. 271. An act for the benefit of the Kentucky School for the Deaf.

By same:

S. B. 212. An act appropriating money for the Western Kentucky Asylum for the Insane, the Central Kentucky Asylum for the Insane and the Kentucky Institution for Feeble Minded Children.

By Mr. Brooks. of the Committee on Cities of the Fourth, Fifth and Sixth Class:

H. B. 325. An act relating to the appointment of Marshals in cities of the sixth class in this Commonwealth.

By same:

H. B. 197. An act relating to making and publishing financial statements by cities of the Fourth Class.

By Mr. Tandy, of the Committee on Court of Appeals:

H. B. 359. An act relating to the office of reporter of the Court of Appeals, prescribing his duties, and his term of office, and fixing his compensation and that of his clerk.

With an amendment proposed thereto by the committee.

By Mr. Allphin, of the Committee on Claims:

H. B. 363. An act authorizing the Board of Printing Commissioners to examine the account of the contractor of the second class and authorizing them to approve the account, if found correct, and direct the Auditor to draw his warrant in favor of such Public Printer for the amount found to be due.

By Mr. Nichols, of the Committee on Constitutional Amendments:

S. B. 34. An act to amend the Constitution of the Commonwealth of Kentucky for the purpose of aiding the public roads of the counties of the State by permitting State aid to counties for public roads and additional taxation by counties for the public roads.

By same:

S. B. 13. An act to amend the Constitution so as to provide for the classification of property and the imposition of uniform taxes thereon.

With an amendment thereto proposed by the committee.

By Mr. Wilson, of the Committee on Corporate Institutions:

S. B. 32. An act to authorize under certain conditions and restrictions the use of public highways, roads and turnpikes by persons, firms or corporations engaged in the manufacture, transmission and distribution of electricity for lighting, heating and power purposes.

With an amendment thereto by way of substitute therefor.

By same:

H. B. 83. An act to amend section 2 of an act entitled, An act to regulate burial associations, corporations and companies doing business in the State of Kentucky.

With an amendment thereto by way of substitute therefor.

By Mr. Perry, of the Committee on Codes of Practice:

H. B. 295. An act to amend section 606 of Carroll's edition, 1906, of the Kentucky Civil Codes of Practice.

With an amendment thereto by way of substitute therefor.

By same:

H. B. 469. An act to amend and re-enact section 606 of the Civil Code of Practice concerning competency of husband and wife as witnesses.

By Mr. Whitlow, of the Committee on Commerce and Manufactures:

S. B. 67. An act fixing the weight of packages and regulating the trade in wheat, flour and corn meal.

By Mr. Schoberth, of the Committee on Criminal Law:

H. B. 270. An act relating to commissioners and receivers.

By same:

H. B. 58. An act to amend section 1246 of the Kentucky Statutes, being a portion of Chapter 36, sub-division 2, title, Offenses against Property.

With sundry amendments proposed thereto.

By same:

S. B. 50. An act for the lessening the period of confinment of prisoners in jails in this Commonwealth.

By same:

H. B. 51. An act to prohibit contracts and agreements for the sale and future delivery of cotton, grain, provisions and other commodities, stocks, bonds and other securities upon margin, commonly known as dealing in futures, etc., etc.

By Mr. Arnett, of the Committee on Circuit Courts:

H. B. 191. An act to provide for the payment of jurors not accepted for jury service.

By same:

S. B. 19. An act to fix the salary of the judges of the Circuit Courts of the State.

By same:

H. B. 282. An act entitled, An act to amend an act creating the office of Assistant Commonwealth's Attorney in counties having a population of 150,000 or over and prescribing the qualifications, power, duties and compensation thereof, being section 125a of the Kentucky Statutes.

By same:

H. B. 85. An act providing for the appointment of an official stenographer in each circuit court district for the purpose of perpetuating the proceedings and testimony therein.

With an amendment thereto by way of substitute therefor.

By Mr. Pirtle, of the Committee on Education No. 1.

S. B. 32. An act to create an Educational Commission, to define its powers and duties and to provide for its expense.

By Mr. J. H. Jackson, of the Committee on Education No. 2.

H. B. 255. An act to fix certain duties of the Superintendent of Public Instruction and to make provision for the payment of his traveling expenses.

By Mr. J. W. Berkshire of the Committee on Federal Relations:

H. B. 151. An act to prevent and punish the desecration of the flag, standard, color, or ensign of the United States of America.

By same:

H. B. 24. An act designating the Blue Grass as the State Flower.

With an amendment proposed thereto.

By Mr. Edmunds, of the Committee on Fish, Game and Forestry:

H. B. 60. An act to protect song and water birds and squirrels in and near parks of cities of the first class.

By same:

H. B. 1. An act to amend Sections 1896, Chapter 53, Kentucky Statutes.

By Mr. Oliver, of the Committee on Immigration and Labor:

H. B. 288. An act to regulate child labor and make the provisions hereof effective.

By same:

H. B. 134. An act to amend section 33a, subsection 1 of Chapter 4, being act of April 2, 1892, being styled and designated Agriculture, Labor and Statistics.

By same:

H. B. 61. An act relating to the limitation of the hours of daily service of laborers and mechanics upon the public works of the State of Kentucky.

By Mr. Beard, of the Committee on Insurance:

H. B. 104. An act to amend section 547 Kentucky Statutes.

By Mr. P. W. Berkshire, of the Committee on Internal Improvements:

H. B. 241. An act to amend sub-section 2412a, article 8, chapter 76, relating to public ditches and creeks.

By same:

H. B. 347. An act to amend an act entitled, An act to require operators of certain ferries across the Ohio and Mississippi rivers to provide waiting rooms for their passengers.

By same:

H. B. 35. An act to repeal section 4313 of the Kentucky Statutes, compiled and edited by John D. Carroll and providing a substitute therefor, said section being a part of Article 1, Chapter 110 of the Kentucky Statutes, and entitled Roads and Passways.

By same:

H. B. 306. An act to amend and re-enact 1, 11, 16, 19, 20, 22, 23, 24, and 26 of section 2380 and sub-sections 4, 5 and 7 of section 24120 of the 1903 edition of Carroll's Kentucky Statutes, which relates to the drainage of lands in this Commonwealth.

With an amendment thereto.

By Mr. Beard, of the Committee on Judiciary:

H. B. 201. An act to amend section 567, Kentucky Statutes.

By same:

H. B. 256. An act to prohibit corporations engaged in the business of common carrier from engaging in any other business, and to prevent them from holding, owning, leasing or acquiring any mines, factories or timber or any interest therein, except such as may be necessary to carry on their business.

With an amendment thereto by way of substitute therefor.

By same:

H. B. 410. An act to amend and re-enact section 2514 of the Kentucky Statutes, compiled and edited by John D. Carroll and issued in the year 1903.

By same:

S. B. 21. An act for the benefit of the office of Attorney General, to provide for assistants, defining their duties and fixing their compensation, and providing for certain records to be kept in the office.

With sundry amendments proposed thereto.

By same:

H. B. 54. An act to amend section 2904 of the Kentucky Statutes and to fix a penal sum for the bonds of tax receiver of cities of the first class.

By Mr. Dowling, of the Committee on Kentucky Statutes:

H. B. 298. An act providing for the filling of vacancies in the office of judges of the police courts of the various cities of this Commonwealth.

By same:

H. B. 297. An act repealing section 3758 of the Kentucky Statutes and re-enacting the same as amended and re-enacting section 1526, 1527, 1528 and 1529 of the Kentucky Statutes, all of which said sections relate to vacancies in certain offices and the manner of filling same.

With sundry amendments proposed thereto.

By same:

H. B. 3. An act to amend section 354 of the Kentucky Statutes and adding sub-section 6 thereto.

By same:

S. B. 214. An act to amend section 138 of the Kentucky Statutes.

By same:

H. B. 350. An act to amend section 1161 of the Kentucky Statutes edited and compiled by John D. Carroll, issued in 1903.

By same:

H. B. 322. An act to amend sub-section 1, of Article 15, of Chapter 46 of the Kentucky Statutes, edition of 1903.

By same:

H. B. 323. An act to amend section 194 of the Civil Code of Practice of Kentucky, edited by John D. Carroll, edition of 1906.

By same:

H. B. 367. An act providing for vacation of any State or county office held by any person accepting, holding or exercising the place or duties of a State Central Committeeman or other committeeman of any political party.

By same:

H. B. 23. An act for the protection of owners and keepers of hotels, inns, restaurants, boarding and eating houses, creating liens on certain property and providing for the enforcement of the provisions hereof, and limiting the liability of hotel keepers, and for the sale of unclaimed baggage.

By same:

H. B. 161. An act to amend Chapter 58 of the Kentucky Statutes.

By same:

H. B. 209. An act to authorize fiscal courts to provide for the completion of any incomplete sets of the official edition of the Kentucky Reports of the decisions of the Kentucky Court of Appeals in the various county offices for the use of county officials.

By same:

H. B. 276. An act to regulate junk dealers, junk merchants, second hand dealers, and second hand merchants.

By same:

H. B. 309. An act to prevent the selling of horses and mules known as bulls or chokers.

By same:

H. B. 119. An act to amend Chapter 36 of the Kentucky Statutes

entitled, Crimes and Punishments.

By same:

H. B. 245. An act to amend section 528 of the Kentucky Statutes.

By same:

H. B. 349. An act to amend section 4821 of the Kentucky Statutes, edited and compiled by John D. Carroll, issued in 1903.

By same:

H. B. 82. An act to amend and re-enact sub-section 7, of section 1019a of the Kentucky Statutes.

By same:

H. B. 264. An act to amend section 20 and 204 of the Kentucky Code of Practice in Criminal cases.

By Mr. Reynolds, of the Committee on Legislative Accounts:

S. B. 158. An act fixing the compensation of members of the General Assembly.

By Mr. Lillard, of the Committee on Military Affairs:

H. B. 397. An act for the benefit of the veterans of the war with Spain and the insurrections in the Phillipine Islands.

By Mr. Wilson, of the Committee on Mines and Mining:

H. B. 206. An act making it a misdemeanor for any person, company or corporation engaged in operating a coal mine to permit any person to work in a room of his, its or their coal mine who has not had two years' experience as a practical miner or unless such person be accompanied by some other person in such work who has had two years' experience as a practical miner, and fixing a penalty for a violation of the same.

With an amendment thereto by way of substitute therefor.

By same:

H. B. 187. An act to amend an act to increase the efficiency of the office of Inspector of Mines and afford greater protection to the lives and health of persons employed in coal mines of the State.

With an amendment thereto by way of a substitute therefor.

By same:

H. B. 78. An act for the protection of life and property against loss or damage from the operation of steam boilers in this State in cities of the first, second, third and fourth classes, and to provide for the inspection of steam boilers and to create the office of State Steam Boiler Inspector.

By Mr. Klair, of the Committee on Municipalities:

S. B. 199. An act to amend an act entitled, An act to amend and re-enact section 3140, Kentucky Statutes, approved by the Governor March 22, 1906.

With amendment thereto by way of substitute therefor.

By same:

S. B. 7. An act to amend section 2 and 5 of Article 1 of an act entitled, An act relating to revenue and taxation, approved March 15, 1906.

With sundry amendments thereto.

By same:

S. B. 193. An act to amend section 19 of Article 4 of an act entiled, An act for the government of cities of the second class in the Commonwealth of Kentucky, approved by the Governor March 19, 1894, and being section 3076 Kentucky Statutes.

By same:

S. B. 109. An act to amend an act entitled, An act relating to the appointment of police matrons in cities of the first class, approved March 10, 1898, and being section 2877a Kentucky Statutes.

By same:

S. B. 80. An act to repeal section 3210 of the Kentucky Statutes, Carroll's edition, 1903, and to amend and re-enact section 3210b of said Statutes, as section 3210 thereof, relating to free public libraries in cities of the second and third classes, and prescribing the conditions upon which such free public libraries shall receive the part of the fines and costs collected in the police courts.

By same:

S. B. 160. An act to provide for two district detectives for an annual expense fund of $500 for the Commonwealth's Attorney of districts containing counties in this Commonwealth containing a population of 50,000 or over.

By same:

H. B. 278. An act to enable cities of the second class to build and construct a system of streets and to issue bonds for the payment of the cost thereof.

By same:

H. B. 329. An act to amend and re-enact section 3027, Chapter 89 of the Kentucky Statutes, edition 1903, edited by the Hon. John D. Carroll, and relating to the government of cities of the first class.

By same:

H. B. 364. An act to amend an act for the government of cities of the first class, approved July 1, 1893, and especially section 239 of said act, being section 3025 of the Kentucky Statutes.

By same:

H. B. 291. An act to amend an act entitled, An act for the govern-

ment of cities of the first class, approved July 1, 1893, providing for the creation, control and disposition of a fund to be used in pensioning common school teachers in cities of the first class.

By same:

H. B. 289. An act to amend Section 2773, Chapter 89, of Kentucky Statutes.

By same:

H. B. 214. An act providing for keeping in repair the public sidewalks of cities of the second class and providing that owners of property fronting or abutting on such sidewalk shall be liable for damages to any person injured by reason of any defect in or unsafe condition of such sidewalks.

By same:

H. B. 13. An act to re-enact sub-section 4 of section 1, Article 4, of an act entitled, An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, said sub-section being sub-section 4 of section 3058, Kentucky Statutes, 1903.

By same:

H. B. 27. An act to repeal section 3210 of the Kentucky Statutes, Carroll's edition of 1903, and to amend and re-enact section 3210b of said statutes, as section 3210 thereof, relating to free public libraries in cities of the second and third class and prescribing the conditions upon such free public libraries shall receive a part of the fines and costs collected in the police court of such cities.

By same:

H. B. 290. An act allowing compensation to, creating and fixing salaries of members of the Board of Aldermen and Board of Councilmen of the cities of the first class of the Commonwealth of Kentucky.

By Mr. J. L. Smith, of the Committee on Printing:

H. B. 360. An act to regulate county printing.

By same:

S. B. 16. An act to amend section 3948, Chapter 104, Kentucky Statutes.

By Mr. Crecelius, of the Committee on Public Health:

S. B. 2. An act to provide for the examination and registration of nurses.

By same:

H. B. 387. An act to amend an act entitled, An act to amend and re-enact an act continuing the State Dental Association and defining the duties of said association, and regulating the practice of dentistry in this Commonwealth, approved March 17, 1904.

By same:

H. B. 244. An act requiring medical inspection and examination of all teachers and pupils in the public and high schools of the second and third class cities.

With an amendment thereto.

By same:

H. B. 148. An act to amend section 2054, chapter 63 of the Kentucky Statutes relating to the State Board of Health.

By same:

H. B. 392. An act to prohibit the sale of refrigerated, undrawn, slaughtered poultry, game and fish, and for the protection of slaughtered fresh meat, and providing penalties for violation thereof.

By same:

H. B. 160. An act prohibiting the manufacture and sale of

cigarettes in the State and providing punishment therefor.

By same:

H. B. 164. An act to amend section 2630 and 2635a of the Kentucky Statutes, edited by the Hon. John D. Carroll, and the edition of 1903, relating to the sale of drugs.

With an amendment thereto by way of substitute therefor.

By Mr. Enlow, of the Committee on Public Morals:

H. B. 429. An act to amend an act entitled, An act to regulate the sale of intoxicating liquors by wholesale in this Commonwealth, which was approved March 22, 1904, and amended by an act approved March 21, 1906.

By same:

H. B. 317. An act to amend section 1303, Kentucky Statutes.

By same:

H. B. 292. An act to prohibit the drinking of spirituous, vinous or malt liquors upon any of the passenger trains running through or operated in this State while a passenger upon said trains, and giving the conductors the power to make arrests for the violation of this law.

With an amendment thereto.

By Mr. Frank J. Brown, of the Committee on Public Monuments and Historical Records:

S. B. 23. An act appropriating the sum of $400 to be applied to the repairs and cleaning of the monument of Zachary Taylor in a cemetery in Jefferson county, and also $100 annually to keep the graveyard in good condition.

By same:

H. B. 312. An act providing for removal of the remains of Thomas F. Marshall and making an appropriation for the expense thereof.

By same:

H. B. 59. An act to appropriate money to erect monuments at Shiloh National Military Park.

By same:

H. B. 123. An act appropriating $10.000 for the purpose of restoring the monument to Henry Clay in the Lexington Cemetery.

By same:

H. B. 117. An act to appropriate $3,000 to enable the Commission of the Perryville Confederate monument to purchase additional grounds.

By Mr. Woodford, of the Committee on Public Warehouse and Granaries:

H. B. 220. An act permitting warehousemen to commingle tobacco of like grades.

By Mr. Mueller, of the Committee on Railroads:

H. B. 163. An act to fix the liability of common carriers in the transportation of bulls, boars and stag hogs.

By same:

H. B. 217. An act for the safety of the employes or railroads in the State of Kentucky while engaged in yard or switching service.

By same:

H. B. 114. An act providing for transportation of attendants

with shipments of live stock.

By same:

H. B. 326. An act relating to trespassers upon railroad tracks.

By same:

H. B. 308. An act to amend and re-enact section 785 of the Kentucky Statutes.

By same:

H. B. 330. An act to amend an act relating to trespassers upon railroad tracks.

By same:

H. B. 202. An act to amend section 786, Kentucky Statutes.

By Mr. McChord, of the Committee on Revenue and Taxation:

S. B. 37. An act to amend and re-enact section 3646 of the edition of the Kentucky Statutes compiled and edited by John D. Carroll, and issued in 1903.

By same:

H. B. 2. An act to repeal an act entitled, An act to promote the sheep industry and provide a tax on dogs, approved March 1, 1906.

Said bills and resolutions were severally read the first time at length and ordered to be placed upon the calendar.

By Mr. Beard, of the Committee on Insurance, which had originated the same:

H. B. 440. An act to further regulate assessment fire insurance companies.

Said bill was read the first time at length and ordered to be printed and placed on the calendar.

The committees to which the same had been referred, reported the following bills with the expression of opinion that they ought not pass:

By Mr. Allphin, of the Committee on Claims:

H. Res. 5. Resolution providing for the reimbursement to one Pius Barthelmes for an amount paid to the county of Jefferson for an unused and revoked license.

By Mr. Perry, of the Committee on Codes of Practice:

H. B. 319. An act to repeal section 606 of the Code of Practice in relating to husband and wife testifying.

By same:

H. B. 8. An act amending sub-section No. 7 of section 57 of the Civil Code of Practice.

By Mr. Schoberth, of the Committee on Criminal Law:

H. B. 280. An act to prevent and make it unlawful to discharge fireworks on or near public highways or near public gatherings.

By same:

S. B. 3. An act to amend and re-enact section 1208 of Kentucky Statutes.

By Mr. Pirtle, of the Committee on Education No. 1:

H. B. 321. An act to amend an act entitled, An act to provide an efficient system of common schools throughout the State.

By same:

H. B. 335. An act to provide for better school houses in this Commonwealth and to establish a State Board of Construction for school buildings.

By Mr. Dowling, of the Committee on Kentucky Statutes:

H. B. 221. An act to amend and re-enact section 1741 of the Kentucky Statutes.

By same:

H. B. 180. An act to amend section 2096, Article 1, of Chapter 66 of Kentucky Statutes entitled, Persons who are prohibited from marriage.

By same:

H. B. 16. An act to amend sections 528, 533, 537, and 1739 of the Kentucky Statutes relating to the duties of Coroner.

By same:

H. B. 158. An act entitled, An act to repeal sub-section 2 of section 2103, Kentucky Statutes, entitled, Marriages—who may celebrate.

By same:

H. B. 314. An act to amend section 167, chapter 10, Kentucky Statutes, edition 1903.

By same:

H. B. 125. An act amending section 1159 of the Kentucky Statutes of the edition compiled by Hon. John D. Carroll and issued in 1903.

By Mr. Crecelius, of the Committee on Public Health:

H. B. 102. A bill to establish central bureau of vital statistics and to provide for the immediate registration of all births and deaths throughout the State of Kentucky by means of certificates of births and deaths and burial or removal permits; requiring prompt returns to the central bureau of vital statistics as required to be established by the State Board of Health; to provide for the

reporting of morbidity statistics; and to insure the thorough organization and efficiency of the registration of vital statistics throughout the State, and making an appropriation for establishing and maintaining such a bureau and providing certain penalties.

By Mr. McChord, of the Committee on Revenue and Taxation:

H. B. 63. An act to amend and re-enact section 3025 of the Kentucky Statutes edited by Hon. John D. Carroll, and edition 1903.

The question was severally taken, Shall said bills be read, the opinion of the committee to the contrary notwithstanding? and it was decided in the negative.

Mr. Sawyer A. Smith offered the following motion:

That the Committee on redistricting be and are hereby required to make an immediate report on House Bill No. 240, which affects the Legislative districts of the State, said committee having failed or refused to report, and if said committee do not report, that this House take up and proceed with the consideration of same.

Mr. Haswell moved that the consideration of said motion be postponed until tomorrow morning.

Said motion was agreed to.

Mr. Klair moved that the House do now adjourn until tomorrow morning at ten o'clock.

Said motion was agreed to.

FRIDAY, MARCH 6, 1908.

The House was opened with prayer by Rev. Wm. Crowe, of the Presbyterian Church, Southern Assembly.

The reading of the journal of yesterday's proceedings was dispensed with.

Mr. Lillard, of the Committee on Military Affairs, to which the same had been referred, reported a bill entitled:

H. B. 414. An act to regulate the Militia of the Commonwealth of Kentucky and repealing all other laws or parts of laws relating thereto.

Said bill was read the first time at length and ordered to be placed on the calendar.

A message was received from the Senate announcing that they had passed bills of the following titles:

1. S. B. 145. An act to amend an act entitled, An act to amend an act to amend and re-enact as amended Section 1 of an act to provide for the operating expenses of the Houses of Reform, approved March 15, 1898, which act was approved March 21, 1902.

2. S. B. 146. An act to appropriate money for the benefit of the Houses of Reform, to provide funds to pay the existing deficit and to make improvements at the Houses of Reform.

Said bills were ordered to be printed and referred to the Committee on State Prisons and Houses of Reform.

The House took up for consideration from the calendar bills and joint resolutions of the following titles:

H. B. 394. An act prohibiting any person, firm, association or corporation except regularly established banks and trust companies

from adopting the name or using in advertising the words "bank," "trust" or "savings."

H. B. 275. An act providing for the security of depositors in incorporated banks of Kentucky, creating a Bank Depositor's indemity fund, and providing regulations therefor.

With an amendment thereto by way of substitute therefor.

H. B. 271. An act to amend an act, Kentucky Statutes, entitled, An act to change the corporate name of the State School for the Education of the deaf children of Kentucky from the Kentucky Institution for the Education of Deaf Mutes to the Kentucky School for the Deaf.

H. B. 271. An act for the benefit of the Kentucky School for the Deaf.

S.B. 212. An act to appropriate money for the Western Kentucky Asylum for the Insane, the Central Kentucky Asylum for the Insane and the Kentucky Institution for Feeble Minded Children.

H. B. 325. An act relating to the appointment of Marshals in cities of the sixth class in this Commonwealth.

H. B. 197. An act relating to making and publishing financial statements by cities of the Fourth Class.

H. B. 359. An act relating to the office of Reporter of the Court of Appeals, prescribing his duties, and his term of office, and fixing his compensation and that of his clerk.

With an amendment proposed thereto by the committee.

H. B. 363. An act authorizing the Board of Printing Commissioners to examine the account of the contractor of the second class and authorizing them to approve the account, if found correct, and direct the Auditor to draw his warrant in favor of such Public Printer for the amount found to be due.

S. B. 34. An act to amend the Constitution of the Commonwealth of Kentucky for the purpose of aiding the public roads of the counties of the State by permitting State aid to counties for public roads and additional taxation by counties for the public roads.

S. B. 13. An act to amend the Constitution so as to provide for the classification of property and the imposition of uniform taxes thereon.

With an amendment thereto proposed by the committee.

S. B. 32. An act to authorize under certain conditions and restrictions the use of public highways, roads and turnpikes by persons, firms or corporations engaged in the manufacture, transmission and distribution of electricity for lighting, heating and power purposes.

With an amendment thereto by way of substitute therefor.

H. B. 83. An act to amend section 2 of an act entitled, An act to regulate burial associations, corporations and companies doing business in the State of Kentucky.

With an amendment thereto by way of substitute therefor.

H. B. 295. An act to amend section 606 of Carroll's edition, 1906, of the Kentucky Civil Codes of Practice.

With an amendment thereto by way of substitute therefor.

H. B. 409. An act to amend and re-enact section 606 of the Civil Code of Practice concerning competency of husband and wife as witnesses.

S. B. 67. An act fixing weight of packages and regulating the trade of wheat, flour and corn meal.

H. B. 270. An act relating to Commissioners and Receivers.

H. B. 58. An act to amend section 1246 of the Kentucky Statutes, being a portion of Chapter 36, subdivision 2, title Offenses against Property.

With sundry amendments proposed thereto.

S. B. 50. An act for the lessening the period of confinement of prisoners in jails in this Commonwealth.

H. B. 51. An act to prohibit contracts and agreements for the sale and future delivery of cotton, grain, provisions and other commodities, stocks, bonds and other securities upon margin, commonly known as dealing in futures, etc., etc.

H. B. 191. An act to provide for the payment of jurors not accepted for jury service.

S. B. 19. An act to fix the salary of the judges of the Circuit Courts of the State.

H. B. 282. An act entitled, An act to amend an act creating the office of Assistant Commonwealth's Attorney in counties having a population of 150,000 or over and prescribing the qualifications, power, duties and compensation thereof, being section 125a of the Kentucky Statutes.

H. B. 85. An act providing for the appointment of an official Stenographer in each Circuit Court district for the purpose of perpetuating the proceedings and testimony therein.

With an amendment thereto by way of substitute therefor.

S. B. 32. An act to create an Educational Commission, to define its powers and duties and to provide for its expense.

H. B. 255. An act to fix certain duties of the Superintendent of Public Instruction and to make provision for the payment of his traveling expenses.

H. B. 151. An act to prevent and punish the desecration of the flag, standard, color, or ensign of the United States of America.

H. B. 24. An act designating the Blue Grass as the State flower.

With an amendment proposed thereto.

H. B. 60. An act to protect song and water birds and squirrels in and near parks of cities of the first class.

H. B. 1. An act to amend Section 1896, Chapter 53, Kentucky Statutes.

H. B. 288. An act to regulate child labor and make the provisions hereof effective.

H. B. 134. An act to amend Section 33a, sub-section 1 of Chapter 4, being act of April 2, 1892, being styled and designated Agriculture, Labor and Statistics.

H. B. 61. An act relating to the limitation of the hours of daily service of laborers and mechanics upon the public works of the State of Kentucky.

H. B. 104. An act to amend Section 547 Kentucky Statutes.

H. B. 241. An act to amend sub-section 2412a, article 8, Chapter 76, relating to public ditches and creeks.

H. B. 347. An act to amend an act entitled, An act to require operators of certain ferries across the Ohio and Mississippi rivers to provide waiting rooms for their passengers.

H. B. 35. An act to repeal Section 4313 of the Kentucky Statutes, compiled and edited by John D. Carroll and providing a substitute therefor, said section being a part of Article 1, Chapter 110 of the Kentucky Statutes, and entitled Roads and Passways.

H. B. 306. An act to amend and re-enact 1, 11, 16, 19, 20, 22, 23, 24 and 26 of Section 2380 and sub-sections 4, 5 and 7 of Section 24120 of the 1903 edition of Carroll's Kentucky Statutes, which relates to the drainage of lands in this Commonwealth.

With an amendment thereto by way of substitute therefor.

H. B. 201. An act to amend Section 567 Kentucky Statutes.

H. B. 256. An act to prohibit corporations engaged in the business of a common carrier from engaging in any other business, and to prevent them from holding, owning, leasing or acquiring any mines, factories or timber or any interest therein, except such as may be necessary to carry on their business.

With an amendment thereto by way of substitute therefor.

H. B. 410. An act to amend and re-enact Section 2514 of the Kentucky Statutes, compiled and edited by John D. Carroll and issued in the year 1903.

S. B. 21. An act for the benefit of the office of Attorney General, to provide for assistants, defining their duties and fixing their compensation, and providing for certain records to be kept in the office.

With sundry amendments proposed thereto.

H. B. 54. An act to amend Section 2904 of the Kentucky Statutes and to fix a penal sum for the bonds of tax receiver of cities of the first class.

H. B. 298. An act providing for the filling of vacancies in the office of Judges of the Police Courts of the various cities of this Commonwealth.

H. B. 297. An act repealing Section 3758 of the Kentucky Statutes and re-enacting the same as amended and re-enacting Section 1526, 1527, 1528 and 1529 of the Kentucky Statutes, all of which said sections relate to vacancies in certain offices and the manner of filling same.

With sundry amendments proposed thereto.

H. B. 3. An act to amend section 354 of the Kentucky Statutes and adding subsection 6 thereto.

S. B. 214. An act to amend section 138 of the Kentucky Statutes.

H. B. 350. An act to amend section 1161 of the Kentucky Statutes edited and compiled by John D. Carroll, issued in 1903.

H. B. 322. An act to amend sub-section 1 of Article 15 of Chapter 46 of the Kentucky Statutes, edition of 1903.

H. B. 323. An act to amend section 194 of the Civil Code of Practice of Kentucky, edited by John D. Carroll, edition of 1906.

H. B. 367. An act providing for the vacation of any state or county office held by any person accepting, holding or exercising the place or duties of a State Central Committeeman or other committeeman of any political party.

H. B. 23. An act for the protection of owners and keepers of Hotels, inns, restaurants, boarding and eating houses, creating liens on certain property and providing for the enforcement of the provisions hereof, and limiting the liability of hotel keepers, and for the sale of unclaimed baggage.

H. B. 161. An act to amend Chapter 58 of the Kentucky Statutes.

H. B. 209. An act to authorize fiscal courts to provide for the completion of any incomplete sets of the official edition of the Kentucky reports of the decisions of the Kentucky Court of Appeals in the various county offices for the use of county officials.

H. B. 276. An act to regulate junk dealers, junk merchants, second hand dealers, and second hand merchants.

H. B. 309. An act to prevent the selling of horse and mules known as bulls or chokers.

H. B. 119. An act to amend Chapter 36 of the Kentucky Statutes, entitled, Crimes and Punishments.

H. B. 245. An act to amend section 528 of the Kentucky Statutes.

H. B. 349. An act to amend section 4821 of the Kentucky Statutes, edited and compiled by John D. Carroll, issued in 1903.

H. B. 82. An act to amend and re-enact sub-section 7 of section 1019a of the Kentucky Statutes.

H. B. 264. An act to amend section 203 and 204 of the Kentucky Code of Practice in Criminal Cases.

S. B. 158. An act fixing the compensation of members of the General Assembly.

H. B. 397. An act for the benefit of the veterans of the war with Spain and the insurrections in the Phillipine Islands.

H. B. 206. An act making it a misdemeanor for any person, company or corporation engaged in operating a coal mine to permit any person to work in a room of his, its or their coal mine who has not had two years' experience as a practical miner, or unless such person be accompanied by some other person in such work who has had two years' experience as a practical miner, and fixing a penalty for a violation of the same.

With an amendment thereto by way of substitute therefor.

H. B. 187. An act to amend an act to increase the efficiency of the office of Inspector of Mines and afford greater protection to the lives and health of persons employed in the coal mines of the State.

With an amendment thereto by way of substitute therefor.

H. B. 78. An act for the protection of life and property against loss or damage from the operation of steam boilers in this State in cities of the first, second, third and fourth classes, and to provide for the inspection of steam boilers and to create the office of State Steam Boiler Inspector.

S. B. 199. An act to amend an act entitled, An act to amend and re-enact section 3140, Kentucky Statutes, approved by the Governor March 22, 1906.

With amendment thereto by way of substitute therefor.

S. B. 7. An act to amend section 2 and 5 of article 1 of an act

entitled, An act relating to revenue and taxation, approved March 15, 1906.

With sundry amendments thereto.

S. B. 193. An act to amend section 19 or article 4 of an act entitled, An act for the government of cities of the second class in the Commonwealth of Kentucky, approved by the Governor March 19, 1894, and being section 3076, Kentucky Statutes.

S. B. 109. An act to amend an act entitled, An act relating to the appointment of police matrons in cities of the first class, approved March 10, 1898, and being section 2877a Kentucky Statutes.

S. B. 80. An act to repeal section 3210 of the Kentucky Statutes, Carroll's edition, 1903, and to amend and re-enact section 3210b of said Statutes, as section 3210 thereof, relating to free public libraries in cities of the second and third classes, and prescribing the conditions upon which such free public libraries shall receive the part of the fines and costs collected in the police courts.

S. B. 160. An act to provide for two district detectives for an annual expense fund of $500 for the Commonwealth's Attorney of districts containing counties in this Commonwealth containing a population of 50,000 or over.

H. B. 278. An act to enable cities of the second class to build and construct a system of streets and to issue bonds for the payment of the cost thereof.

H. B. 329. An act to amend and re-enact section 3027, chapter 89 of the Kentucky Statutes, edition 1903, edited by the Hon. John D. Carroll, and relating to the government of cities of the first class.

H. B. 364. An act to amend an act for the government of cities of the first class, approved July 1, 1893, and especially section 239 of said act, being section 3025 of the Kentucky Statutes.

H. B. 291. An act to amend an act entitled, An act for the government of cities of the first class, approved July 1, 1893, providing for the creation, control and disposition of a fund to be used in pensioning common school teachers in cities of the first class.

H. B. 289. An act to amend section 2773, chapter 89 of Kentucky Statutes.

H. B. 214. An act providing for keeping in repair the public sidewalks of cities of the second class and providing that owners of property fronting or abutting on such sidewalk shall be liable for damages to any person injured by reason of any defect in or unsafe condition of such sidewalks.

H. B. 13. An act to re-enact sub-section 4 of section 1, article 4 of an act entitled, An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, said sub-section being sub-section 4 of section 3056, Kentucky Statutes, 1903.

H. B. 27. An act to repeal section 3210 of the Kentucky Statutes, Carroll's edition of 1903, and to amend and re-enact section 3210b of said statutes, as section 3210 thereof, relating to free public libraries in cities of the second and third class and prescribing the conditions upon such free public libraries shall receive a part of the fines and costs collected in the police court of such cities.

H. B. 290. An act allowing compensation to, creating and fixing salaries of members of the Board of Alderman and Board of Councilmen of the cities of the first class of the Commonwealth of Kentucky.

H. B. 360. An act to regulate county printing.

S. B. 16. An act to amend section 3948, Chapter 104 Kentucky Statutes.

S. B. 2. An act to provide for the examination and registration of nurses.

H. B. 367. An act to amend an act entitled, An act to amend and re-enact an act continuing the State Dental Association and defining the duties of said association, and regulating the practice of dentistry in this Commonwealth, approved March 17, 1904.

H. B. 244. An act requiring medical inspection and examination of all teachers and pupils in the public and high schools of the second and third class cities.

With an amendment thereto.

H. B. 148. An act to amend section 2054, chapter 63 of the Kentucky Statutes relating to the State Board of Health.

H. B. 392. An act to prohibit the sale or refrigerated, undrawn, slaughter poultry game and fish, and for the protection of slaughtered fresh meat, and providing penalties for violation thereof.

H. B. 160. An act prohibiting the manufacture and sale of cigarettes in the State and providing punishment therefor.

H. B. 164. An act to amend section 2630 and 2633a of the Kentucky Statutes, edited by the Hon. John D. Carroll, and the edition of 1903, relating to the sale of drugs.

With an amendment thereto by way of substitute therefor.

H. B. 429. An act to amend an act entitled, An act to regulate the sale of intoxicating liquors by wholesale in this Commonwealth, which was approved March 22, 1904, and amended by an act approved March 21,1906 .

H. B. 317. An act to amend section 1303 Kentucky Statutes.

H. B. 292. An act to prohibit the drinking of spirituous, vinous or malt liquors upon any of the passenger trains running through or operated in this State while a passenger upon said trains, and giving the conductors the power to make arrests for the violation of this law.

With an amendment thereto.

S. B. 23. An act appropriating the sum of $400 to be applied to the repairs and cleaning of the monument of Zachary Taylor in a cemetery in Jefferson county, and also $100 annually to keep the graveyard in good condition.

H. B. 312. An act providing for the removal of the remains of Thomas F. Marshall and making an appropriation for the expense thereof.

H. B. 59. An act to appropriate money to erect monuments at Shiloh National Military Park.

H.. B. 123. An act appropriating $10,000 for the purpose of restoring the monument to Henry Clay in the Lexington Cemetery.

H. B. 117. An act to appropriate $3,000 to enable the Commission of the Perryville Confederate monument to purchase additional grounds.

H. B. 220. An act permitting warehousemen to commingle tobacco of like grades.

H. B. 163. An act to fix the liability of common carriers in the transportation of bulls, boars and stag hogs.

H. B. 217. An act for the safety of the employes of Railroads in the State of Kentucky while engaged in yard or switching service.

H. B. 114. An act providing for transportation of attendants with shipments of live stock.

H. B. 326. An act relating to trespassers upon railroad tracks.

H. B. 306. An act to amend and re-enact section 783 of the Kentucky Statutes.

H. B. 330. An act to amend an act relating to trespassers upon railroad tracks.

H. B. 202. An act to amend section 786 Kentucky Statutes.

S. B. 37. An act to amend and re-enact section 3646 of the edition of the Kentucky Statutes compiled and edited by John D. Carroll, and issued in 1903.

H. B. 2. An act to repeal an act entitled, An act to promote the sheep industry and provide a tax on dogs, approved March 1, 1906.

H. B. 440. An act to further regulate assessment fire insurance companies.

Ordered, that said bills and joint resolution be read the second time.

The Constitutional provision as to the second reading of said bills and resolutions at length being dispensed with, they were severally read the second time by their titles.

Ordered, that said bills and resolutions be placed in the orders of the day.

The House took up for consideration the special order of the day, to-wit: a bill entitled:

H. B. 66. An act to repeal an act entitled, An act to authorize the organization and maintenance of a graded free school in common school district No. 3, in Johnson county, and approved by the Governor on March 29, 1888.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an Act entitled "An act to authorize the organization and maintenance of a Graded Free School in Common School District No. 3 in Johnson County," being Chapter 772 and Sections 1 to 9 inclusive of said Chapter of the Acts of 1887 and 1888, and found on page 633 to 637 inclusive, of said "Acts of 1887 and 1888," which Act became a law by the approval of the Governor on March 29, 1888, be and the same is hereby repealed.

§ 2. This Act shall take effect from its passage.

Ordered, That said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson,	R. Dillard Hunter,	W. H. Shanks,
O. P. Applegate	J. H. Jackson,	J. A. Sloan,
Louis W. Arnett,	W. J. Jackson,	John L. Smith,
Elliott B. Beard,	W. F. Klair,	John S. Steers,
J. W. Berkshire,	W. L. Kimbrough,	J. W. Stump,
P. W. Berkshire,	E. W. Lillard,	J. A. Sullivan,
O. Houston Brooks,	Hugh Mahin,	J. B. Swann,
J. T. Buford,	W. C. McChord,	D. P. Taggart,
C. C. Chase,	Emanuel Meyer,	C. S. Templeman,
Will J. Clay,	H. L. Myers,	Wm. M. Thompson,
Dr. C. F. Crecelius,	Duncan Milliken,	Geo. C. Waggoner,
John T. Davis,	Chris Mueller,	John P. Wallace,
Wm. E. Dowling,	Jesse F. Nichols,	E. E. Wash,
W. F. Edmunds,	A. C. Oliver,	Harry Weitkamp,
F. E. Graves,	W. V. Perry,	W. R. Whitlow,
C. W. G. Hannah,	John C. Pirtle,	J. Hal. Woodford,
Robert L. Harris,	J. F. Porter,	—79
W. W. Hopkins,	G. T. Reynolds,	

Resolved, That the title thereof be as aforesaid.

Mr. Dixon moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

At 11 o'clock the House took up for consideration the special order of the day, to-wit: a bill entitled:

H. B. 141. An act for the government and regulation of the common schools of this Commonwealth.

Together with the substitute heretofore proposed by the Committee on Education No. 1.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That each and every county in this Commonwealth shall compose on school district, excepting that where there is a city or town in any county which maintains a separate system of public schools, then the balance of said county outside of such city or town shall constitute a school district.

§ 2. That within thirty days after this act goes into effect and becomes a law the County Superintendent of Schools, the County Judge and the County Attorney in each county of the Commonwealth shall meet at the court houses of their respective counties upon the call of the County Superintendent of Schools and shall divide each county into Educational Divisions containing as nearly as possible an equal number of children of school age, including both white and colored children, as shown by the last census of school children, and in each county the said officers may make, as may seem expedient either four, six or eight of such Educational Divisions, and in fixing the boundaries of said Educational Divisions they shall be made to include the boundaries of existing school districts for white children. The County Judge, County Superintendent of Schools and County Attorney shall then subdivide each of the said Educational Divisions into school sub-districts following as nearly as possible the boundaries of existing school districts for white children, but the boundaries of any such school subdistrict as above fixed shall include all children both white and colored residing in said sub-district, and said sub-district shall

not include, except in cases of emergency, less than forty-five nor more than one hundred and fifty children of school age.

§ 3. On the first Saturday in August after the passage of this act and on the first Saturday in August every second year thereafter an election shall be held at the school building in each school sub-district in this Commonwealth from the hours of one until five o'clock in the afternoon for the purpose of electing one school trustee for each school sub-district, as fixed by section 2 of this act, to serve as such school trustee for a period of two years, and until his successor is duly elected or appointed as herein provided.

Any person shall be eligible to the office of school trustee who is over twenty-one years of age, and who has been a resident of the sub-district from which he is elected for sixty days before the election. and who is able to read and write, as shown by a certificate of five reputable citizens of the sub-district, and all persons over twenty-one years of age who shall have resided in a school sub-district for sixty days next before an election shall have the right to vote at such election.

All elections for school trustees shall be by ballot. Said ballot shall contain no emblem or device of any kind by which it may be identified or known, and the ballot shall be printed and furnished by the County Clerk of each county and paid for out of the county levy.

All nominations for school trustees shall be by petition signed by at least ten persons eligible to vote in elections for such trustees, and no name shall be placed upon any ballot unless such nominating petition is filed with the County Clerk of the county in which such election is held at least ten days prior to the date of such election. The officers of said election shall be a clerk and two judges and shall be appointed by the regular election commissioners in each county and shall receive no compensation for their services. The said offiecrs shall be the judges of the qualification of each voter as prescribed in this act, and shall certify the returns of the election to the County Superintendent of Schools.

§ 4. The County Superintendent of Schools shall meet the trustees so elected from the various school sub-districts of each educational division at some point to be designated by him within such educational division within thirty days after the date of their election, proper notice having been given in writing to each trustee as to the time and place of such meeting for the purpose of organizing the trustees so elected into a Division Board of school trustees by choosing one of said trustees to be chairman and one to be secretary of said Division Board.

The County Superintendent of Schools shall be a member of such Division Board of his county, but shall only vote upon any matter in case of a tie vote, and then he shall cast the deciding vote.

In the case of a vacancy in the office of trustees for any school sub-district a special election shall be held in such sub-district. Said election shall be ordered by the County Superintendent of Schools and shall be held as regular elections are required to be held under this act, provided the county Superintendent shall cause three printed notices to be posted, one at the school house and two in public places in such sub-district stating the time and place of said election at least ten days before the date of said election.

Should the office of chairman of a Division Board become vacant the County Superintendent, as soon as the election has been held to elect a sub-district trustee as above provided, shall call a meeting of said Division Board and shall then proceed to elect another chairman, and until a chairman is so elected such Division Board may choose one of its members as a temporary chairman.

§ 5. It shall be the duty of the trustee in each school sub-district to personally supervise the school or schools in his sub-district, and to report the needs thereof to the Division Board of his educational division at its regular meeting, together with such recommendations as he may deem necessary for the best interest of said school or schools. All such reports and recommendations shall be in writing.

The trustee of each school sub-district shall from time to time inform the County Superintendent of the needs of the school or schools in his sub-district for repairs, material and supply necessary for the running of said school or schools.

The trustees of each school sub-district shall in the month of April of each year make and return to the County Superintendent a complete census of the children of school age residing in his district, and for the making of said census he shall be allowed and paid the sum of five cents for each name reported in such census.

§ 6. It shall be the duty of the Division Board of Trustees in each educational division to elect one or more teachers for each school in such educational division except as hereinafter provided. The majority of the members of such Division Board shall be necessary to the election of any teacher for service in any sub-district. All applications for positions in said schools shall be filed with the secretary of the Division Board of the educational division in which the position is sought. The Division Board in each educational division shall meet for the consideration of applications and the election of teachers on the first Saturday in January following the election of trustees and the organization of the boards under this act, and shall meet for the same purpose on the first Saturday in January of each year thereafter. Qualification of teachers shall be determined as provided by law. Said Educational Division Board may meet on the first Saturday in February and March in each year for the purpose of filling any vacancies which may exist. Said Division Board may meet at such other times as the chairman may designate, provided the number of meetings in any school year shall not exceed nine.

Teachers shall be elected for one school year, but may be removed by the Division Board of the educational division in which they are employed, at any time, subject to the approval of the County Superintendent, for incompetency, neglect of duty or immoral conduct.

Contract for the services of all teachers shall be in writing signed

in duplicate by the teacher and by the chairman and secretary of the Division Board of the division in which the teacher is employed.

§ 7. The chairmen of the several Educational Division Boards in each county, together with the County Superintendent of Schools as chairman ex officio shall constitute the County Board of Education.

§ 8. It shall be the duty of the County Board of Education of each county to establish one or more County High Schools, provided there is not already existing in the county a high school of the required standard: if such high school already exists, and if the county Board be able to make satisfactory arrangements with the trustees or Board of Education of said High School to furnish to the pupils completing the rural school course free tuition in said high school, then said high school may be considered as meeting the purposes of this law without the establishment by the Board of another high school. The county Board of Education in the various counties shall have full power and authority to unite with the governing authorities of any city or town in their respective counties for the purpose of establishing a high school for the joint use of such city or town and such county, and to unite with such authorities for the purpose of maintaining such high school if one be already in existence. For this purpose said county Boards are hereby given full power and authority to make such contracts as they may deem necessary or proper for the establishment and maintenance of such high schools for the joint use of the county and such city or town. Said contracts shall be in writing and shall contain full and complete stipulations as to employment and compensation of teachers, courses of study, payment of the expenses of the school and the control and discipline of the pupils. The County High Schools of this Commonwealth shall be of the first, second and third classes. A first class high school shall maintain a four years' course of study which shall be prepared by the State Board of Education. Such course of study may provide for instruction in manual training domestic science and elementary agriculture. High Schools of the second class shall main-

tain a course of three years, identical with the first three years of the first class high school. High schools of the third class shall maintain a course of two years identical with the first two years of the first class high school.

§ 9. In counties having cities or towns maintaining school systems elections may be ordered by the County Judge upon the petition of one hundred voters residing in said cities or towns, and if a majority of the voters voting at such elections shall desire it then such city or town shall become part of the county school district and shall be divided into educational divisions and sub-school districts by the county Board as hereinbefore provided in this act, and shall become a part of said county school district, and shall be under the control of the various boards herein established and shall elect trustees and officers and be subject to the said regulations as herein provided for county schools. Said elections shall be by ballot and held by the sheriff at such times and places as the County Judge may order, and upon such notice as he shall stipulate in his order.

§ 10. It shall be the further duty of the County Board of Education to estimate and lay before the fiscal court of the county the educational needs of the county in accord with such estimate, and said court shall levy a tax for school purposes not to exceed twenty cents on each hundred dollars of assessed valuation of property in the county, and the sheriff shall then collect this tax as other state and county taxes are collected. Provided no tax for school purposes shall be levied upon property in cities and towns maintaining a first class system of public schools in which all grades are already taught to the satisfaction of the State Board of Education. When the tax so levied shall have been collected by the sheriff of the county, the fiscal court shall turn over to the County Superintendent, who shall act as Treasurer of the County Board of Education, the amount of money so levied and collected, and the County Board shall expend the money so received in the building, improvement and equipment of school houses, for the payment of teachers, purchasing neces-

sary supplies, and the extension of the school term in the various sub-districts throughout the county, as in their judgment as a county Board the needs of the individual schools for white and colored pupils demand. The County Superintendent shall give bond to be approved by the County Court.

§ 11. The County Board of Education shall have full power, whenever necessary, to lay off or establish new school sub-districts, or to change the boundaries of those already established.

§ 12. The County Board of Education shall have the power to purchase, lease, or rent school sites, to build, to repair, and to rent school houses, purshase maps, globes, charts, school furniture or other apparatus necessary to the efficient conduct of the schools of the county, and said County Board is hereby vested with the title, care and custody of all school houses, sites, or other property belonging to the districts of their several counties, and when in the opinion of the Board any site or school house has become unnecessary they may sell and convey the same in the name of the County Board of Education. It shall have the power to receive any gift, grant or donation for the use of the schools within their respective counties, and all conveyances of real estate which shall be made to said County Board of Education shall vest the property in said Board and their successors in office for the use and benefit of the schools of the county.

§ 13. The County Board of Education and their successors shall be a body politic and corporate with perpetual succession and as such may sue and be sued.

§ 14. The County Superintendent shall keep an exact account of all receipts and disbursements and shall report the same in detail to the County Board as often as they may require and annually to the fiscal court of the county on the date specified by that court for receiving said report. The books and records of the County Board shall be open for the inspection of any citizen of the county.

§ 15. When County High Schools shall be established, as pro-

vided in this act, it shall be the duty of the County Board of Education to employ and fix the salaries of said teachers necessary to the efficient conduct of said high school and prescribe the course of sutdy to be pursued, but said course of study shall not be below the standard fixed by the State Board of Education as provided in section seven. Said Board shall also have the right to select the text books to be used in said high schools.

§ 16. The County Board of Education shall meet at a place designated by the County Superintendent for the transaction of such business as shall properly come before it under this law, on the first Saturday in September following the enactment of this law, and shall meet at the call of the County Superintendent, who is chairman of the county Board, at such other times as he may direct. The County Superintendent shall call the County Board upon the written request of three members. Members of the County Board shall receive three dollars for each day's attendance, but compensation shall not be paid for more than eight days' attendance in any one year.

§ 17. It shall be the duty of each division chairman or member of the County Board of Education, to report in writing the exact status of the educational affairs of his educational division to the County Board for consideration at least twice each year, and at such other times as the chairman of the county Board may require.

§ 18. The county Board of any county shall have power to consolidate with reference to the needs of either white or colored children, any two or more contiguous school sub-districts and in case of such consolidation school houses shall be built or acquired at some point convenient to the patrons of such consolidated school sub-districts and of sufficient capacity to accommodate the pupil population of such consolidated school sub-districts, and such schools shall be called and known as consolidated schools. Teachers for such consolidated schools shall be employed in the same manner as teachers for school sub-districts.

§ 19. All laws in conflict with this act are hereby repealed.

The substitute above referred to as proposed to said bill by the Committee on Education No. 1 is as follows, viz:

An act for the government and regulation of the Common Schools of the State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

§ 1. That each and every county in this Commonwealth shall compose one school district, excepting that where there is a city or town in any county which maintains a separate system of public schools, then the balance of said county outside of such city or town shall constitute a school district.

§ 2. That within thirty days after this act goes into effect the County Superintendent of Schools, the County Judge and the County Attorney in each county of the Commonwealth shall meet at the court houses of their respective counties upon the call of the County Superintendent of Schools and shall divide each county school district as provided for in section 1 into educational divisions containing as nearly as possible an equal number of children of school age, including both white and colored children, as shown by the last census of school children, and in each county the said officers may make, as may seem expedient, either four, six or eight of such educational divisions, and in fixing the boundaries of said educational divisions they shall be made to follow as far as practicable the boundaries of existing school districts for white children. They shall have the power to change the boundaries of educational divisions whenever such change becomes necessary. The County Judge, County Superintendent of Schools and County Attorney shall then subdivide each of the said educational divisions into school sub-districts, following as nearly as practicable the boundaries of existing school districts for white children. *Provided,* that any graded common school district that may exist in any educational division or that may hereafter

be established according to law, whether operating under special charter or established by popular vote, as provided for in the laws relating to the graded common schools, and school districts now operating within municipal districts established and corporated under special charter and supplementing the state school fund by a local tax of not less than twenty cents on each hundred dollars of assessed valuation of property, shall retain their present boundaries and be exempt from the provisions of this act. The boundaries of any such school sub-district as above fixed shall include all children, both white and colored, residing in said sub-district, and said sub-district shall not include, except in cases of emergency, fewer than fifty children of school age, nor in any case fewer than forty such childen. No sub-district shall be apportioned the per capita of the state fund on fewer than fifty pupil children, nor shall any sub-district be apportioned the per capita on more than one hundred pupil children for the payment of one teacher.

§ 3. On the first Saturday in August after the passage of this act an election shall be held at the school building in each school sub-district in this Commonwealth from the hours of one until five o'clock in the afternoon for the purpose of electing one trustee for each school sub-district as fixed by section 2 of this act. The trustees then elected shall hold their offieces, one half for one year and one half for two years, as shall be determined by lot at the first meeting of the division board as provided for in section 4 of this act. Each year thereafter there shall be elected, for two years, one trustee in each sub-district in which the term of his predecessor in office will then expire. Said trustees shall serve until their successors are duly elected or appointed and qualified as herein provided.

Any person shall be eligible to this office of school trustee who is over 21 years of age, and who has been a resident of the sub-district for which he is elected for sixty days before the election, and who is able to read and write, as shown by a certificate of five reputable citizens of the sub-district, and all male persons over 21 years of age

who, shall have resided in a school sub-division for sixty days next before an election, shall have the right to vote at such election.

All elections for school trustees shall be by ballot. Said ballot shall contain no emblem nor device of any kind by which it may be identified or known, and the ballot shall be printed and furnished by the county clerk of each county and paid for out of the county levy. But said ballot shall provide blank spaces whereby such electors may vote for or elect another than those whose names are printed upon said ballot.

All nominations for school trustees shall be by petition signed by at least ten persons eligible to vote in elections for such trustees, and no name shall be placed upon any ballot unless such nominating petition is filed with the County Clerk of the county in which such election is held at least ten days prior to the date of such election. The officers of said election shall be a clerk and two Judges, and shall be appointed by the regular election commissioners in each county and shall receive no compensation for their services. The said officers shall be the judges of the qualification of each voter as prescribed in this act, and shall certify the returns of the election to the County Superintendent of Schools within five days after said election.

§ 4. The County Superintendent of Schools shall meet the trustees so elected from the various school sub-districts of each educational division at some point to be designated by him within such educational division within thirty days after the date of their election, proper notice having been given in writing to each trustee as to the time and place of such meeting for the purpose of organizing the trustees so elected into a division board of school trustees by choosing one of said trustees to be chairman and one to be secretary of said division board.

The County Superintendent of Schools shall be a member of such division board of his county, but shall only vote upon any matter in case of a tie vote, and then he shall cast the deciding vote.

Any vacancy that may exist in the trusteeship of any school sub-district shall be filled by appointment made by the division board of the educational division of which said sub-district is a part, and to them petition may be made by the voters of the sub-district.

Should the office of chairman of a division board become vacant the County Superintendent, as soon as the election has been held to elect a sub-district trustee as above provided, shall call a meeting of said division board and shall then proceed to elect another chairman, and until a chairman is so elected such division board may choose one of its members as a temporary chairman.

§ 5. It shall be the duty of the trustee in each school sub-district to personally supervise the school or schools in his sub-district, and to report the needs thereof to the division board of his educational division at its regular meeting, together with such recommendations as he may deem necessary for the best interest of said school or schools. All such reports and recommendations shall be in writing. The division board shall refer such reports to the county board with its recommendation on same.

The trustee of each school sub-district shall in the month of April of each year make and return to the County Superintendent a complete census of the children of school age residing in his district, and for the performance of all his duties he shall be allowed and paid the sum of five cents per pupil child reported in such census.

§ 6. It shall be the duty of the division board of trustees in each educational division to elect one or more teachers for each school in such educational division except as hereinafter provided. A majority of the members of such division board shall be necessary to the election of any teacher for service in any sub-district. All applications for positions in said schools shall be filed with the secretary of the division board of the educational division in which a school position is sought. The division board in each educational division shall meet for the consideration of applications and the election of teachers on

the last Saturday in June following the election of trustees and the organization of the boards under this act, and shall meet for the same purpose on the last Saturday in June of each year thereafter. Qualification of teachers shall be determined as provided by law. Said educational division board may meet on the last Saturday of July and August in each year for the purpose of filling any vacancies that may exist. Said division board may meet at such other times as the chairman may designate.

Teachers shall be elected for one school year, but may be removed by the division board of the educational division in which they are employed at any time, subject to the approval of the County Superintendent, for incompetency, neglect of duty or immoral conduct.

Contracts for the service of all teachers shall be in writing signed in duplicate by the teacher and by the chairman and secretary of the division board of the division in which the teacher is employed. Upon organization of said board, one of the members shall be chosen as secretary, who shall keep a correct record of all proceedings, which shall be a public record.

§ 7. The chairman of the several educational division boards in each county, together with the County Superintendent of Schools, who shall be chairman ex-officio, shall constitute the county board of education.

§ 8. It shall be the duty of the county board of education of each county to establish one or more county high schools, provided there is not already existing in the county a high school of the required standard; if such high school already exists, and if the county board may be able to make such an arrangement with the trustees or board of education of said high school as will furnish to the pupils completing the rural school free tuition in said high school, then said high school may be considered as meeting the purposes of this law without the establishment by the board of another high school. The county board of education in the various counties shall have full power and authority

to unite with the governing authorities of any city or town in their respective counties for the purpose of establishing a high school for the joint use of the city or town and such county, and to unite with such authorities for the purpose of maintaining such high school if one be already in existence. For this purpose said county boards are hereby given full power and authority to make such contracts as they may deem necessary or proper for the establishment and maintenance of such high school for the joint use of the county and such city or town. Said contracts shall be in writing and shall contain full and complete stipulations as to employment and compensation of teachers, courses of study, payment of the expenses of the school and the control and discipline of the pupils. The county high schools of this Commonwealth shall be of the first, second and third class. A first class high school shall maintain a four years' course of study, which shall be prepared by the State Board of Education. Such course of study may provide for instruction in manual training, domestic science and elementary agriculture. High schools of the second class shall maintain a course of three years, indentical with the first three years of the first class high school. High schools of the third class shall maintain a course of three years, identical with the first years of the first class high school.

§ 9. It shall be the further duty of the county board of education to estimate and lay before the fiscal court of the county the educational needs of the county in accordance with such estimate, and said county shall levy a tax for school purposes not to exceed twenty cents on each hundred dollars of assessed valuation of property in the county, and a capitation tax not exceeding one dollar, and the sheriff shall then collect this tax as other state and county taxes are collected. Proivided, no tax for school purposes shall be levied under this act upon property in cities and towns maintaining a first class system of public schools in which all grades are already taught to the satisfaction of the State Board of Education, and upon property in school districts which are made exempt as provided for in section 2 of this act. When

the tax so levied shall have been collected by the sheriff of the county, he shall turn over to the County Superintendent, who shall act as Treasurer of the county board of education, the amount of money so levied and collected, and the county board shall expend the money so received in the building, improvement and equipment of school houses, for the purchase and condemnation of necessary real estate, for the payment of teachers, purchasing necessary supplies and the extension of the school term in the various sub-districts throughout the county, as in their judgment as a county board the needs of the individual schools for white and colored children demand. The County Superintendent shall give such special bond as may be approved by the county court. No funds shall be paid out except on the order of the county board, signed by the chairman and countersigned by the secretary.

Upon the petition of ten legal voters of any school sub-district the board of education of any division shall submit to the legal voters of said sub-district the question whether or not a tax shall be levied upon the taxable property in such sub-district in any school year for local schools purposes. An ad valorem tax may be so voted not to exceed 25 cents on each one hundred dollars of taxable property. Such questions shall be voted on at the regular school election held as provided by this act on the first Saturday in August. At least fifteen days' notice that such question will be voted on at any such school election shall be given by written or printed hand bills posted up in at least five of the most public places in such district. The returns of said election shall be made to the chairman of the division board of education and said board shall meet within seven days after such an election and canvass the returns, and if it be ascertained that a majority vote in such district was cast in favor of such tax, said board shall on its minute book enter an order levying such tax in sub-district and it shall be the duty of the sheriff of the county on his official bond to collect such tax and hold the same, subject to the order of the county board of education for the benefit of such sub-

district voting such tax, and said sheriff shall receive the same compensation therefor as for collecting state and county revenue.

§ 10. The county board of education shall have full power, when necessary, to lay off or establish new school sub-districts, or to change the boundaries of those already established.

§ 11. The county board of education shall have the power to purchase, lease or rent school sites, to build, to repair and to rent school houses, purchase maps, globes, charts, school furniture, or other apparatus necessary to the efficient conduct of the schools of the county, and said county board is hereby vested with the title, care and custody of all school houses, sites, or other property belonging to the districts of their several counties, and when in the opinion of the board any site for school house has become unnecessary they may sell and convey the same in the name of the county board of education. It shall have the power to receive any gift, grant or donation for the use of the schools within their respective counties and all conveyances of real estate which shall be made to said county board of education shall vest the property in said board and their successors in office for the use and benefit of the schools of the county. It shall have power to condemn any real estate necessary for school purposes in any district and may proceed to do so in the manner provided by law for the condemnation of land for railroad purposes.

§ 12. The county board of education and their successors shall be a body politic and corporate with perpetual succession and as such may sue and be sued.

§ 13. The County Superintendent of Schools shall keep an exact account of all receipts and disbursements and shall report the same in detail to the County Board as often as they may require and annually to the fiscal court of the county on the date specified by that court for receiving said report. The books and records of the county board shall be open for the inspection of any citizen of the county.

§ 14. When county high schools shall be established as provided

in this act, it shall be the duty of the county board of education to employ and fix the salaries of said teachers necessary to the efficient conduct of said high school and prescribe the course of study to be pursued, but said course of study shall not be below the standard fixed by the State Board of Education as provided in section 7. Said board shall also have the right to select the text books to be used in said high schools.

§ 15. The county board of education shall meet at a place designated by the County Superintendent for the transaction of such business as shall properly come before it under this law, and shall meet at the call of the County Superintendent, who is chairman of the County Board, at such other times as he may direct. The County Superintendent shall call the County Board upon the written request of three members. Each member of the county board shall receive three dollars for each day's service, but no emmber shall be paid for more than twelve day's service in any one year, whether in actual attendance upon the meetings of the county board, or in inspecting the schools and school properties of his division in company with the county superintendent.

§ 16. It shall be the duty of each division chairman or member of the county board of education to report in writing the exact status of the educational affairs of his educational division to the county board for consideration at least twice in each year, and at such other times as the chairman of the county board may require.

§ 17. The county board of any county shall have power to consolidate with reference to the needs of either white or colored children, any two or more contiguous school sub-districts, and in case of such consolidation school houses shall be built or acquired located at some point convenient to the patrons of such consolidated school sub-districts, and of sufficient capacity to accommodate the pupil population of such consolidated school sub-districts, and such schools shall be called and known as consolidated schools. Teachers for

such consolidated schools shall be employed in the same manner as teachers for school sub-districts.

No trustee nor member of the county board of education nor County School Superintendent shall be financially interested, directly or indirectly, in any contract for the purchase of land, the erection or repairs of any school house, the furnishing of supplies or equipment or the employment of any teacher, and any of said officers so offending shall be guilty of an indictable misdemeanor, and on conviction shall be fined not exceeding $500 or imprisoned in the county jail not exceeding six months, and shall forfeit his office.

§ 18. All laws and parts of laws in conflict with this act are hereby repealed.

Mr. Haswell offered the following amendment to said substitute.

Amend section 8 of said Substitute so that said section shall read:

§ 8. Within two years after the passage and approval of this act, there shall be established by the County Board of Education of each county one or more county high schools, provided there is not already existing in the county a high school of the first class. If such high school already exists and if the county board may be able to make such an arrangement with the trustees or board of education of said high school as will furnish to the pupils completing the rural school course free tuition in said high school then said high school may be considered as meeting the purposes of this law without the establishment by the board of another high school. The county board of education in the various counties shall have full power and authority to unite with the governing authorities of any city or town in their respective counties for the purpose of establishing a high school for the joint use of the city or town and such county, and to unite with such authorities for the purpose of maintaining such high school if one be already in existence. For this purpose said county boards are hereby given full power and authority

to make such contracts as they may deem necessary or proper for the establishment and maintenance of such high schools for the joint use of the county and such city or town. Said contracts shall be in writing and shall contain full and complete stipulations as to employment and compensation of teachers, courses of study, payment of the expenses of the school and the control and discipline of the pupils. The first county high school to be established in the county shall be located at the county seat, provided there is not already existing in the county seat a high school of the required grade. The county high schools of this Commonwealth shall be of the first, second and third class. A first class high school shall maintain a four years' course of study, which shall be prepared by the State Board of Education. Such course of study may provide for instruction in manual training, domestic science and elementary agriculture. High schools of the second class shall maintain a course of three years, identical with the first three years of the first class high school. High schools of the third class shall maintain a course of two years identical with the first two years of the first class high school.

Said amendment was agreed to.

Mr. Beard offered the following amendment to said substitute:

Resolved, that section 2 of the substitute be amended by adding after the words "from the provisions of this act" the following words: "The provisions of this act shall not apply to any graded school district created by special act and having a school fund other than that provided by general law."

Said amendment was agreed to.

Mr. Pirtle offered the following amendment to said substitute, viz:

Amend by striking out section 18 and insert in lieu thereof the following sections:

§ 18. That each county superintendent of schools shall pay, as

transmitted to him from time to time by the Superintendent of Public Instruction to each teacher of a common school four-fifths of the entire amount apportioned to such district.

§ 19. That the remaining one-fifth of the amount thus apportioned to each common school district shall be reapportioned among the teachers of the common school of each county by the county superintendent in proportion to the average attendance based on the census enumeration of each common school district. *Provided,* that no teacher having an average attendance of less than thirty-five per cent. of the census enumeration shall receive any part of the said funds reapportioned.

§ 20. That any teacher maintaining a general average pupil attendance of seventy-five per cent. based on the census enumeration of any district or districts during the life of his or her certificate, and holding certificates of regular attendance at the teachers' associations and teachers' institutes shall be accredited by five per cent. general average on examination for certificate and have one renewal of each first class certificate without examination.

§ 21. That payment shall be made and credit for average shall be given, only on the certificate of the trustee for the district that the school has been legally taught and average actually maintained for the period of time specified.

§ 22. That all laws and parts of laws in conflict with this law are hereby repealed.

Said amendment was disagreed to.

Said substitute as amended was agreed to.

Ordered, that said bill as amended by said substitute be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson,	John P. Haswell, Jr.,	W. V. Perry,
O. P. Applegate	F. M. Hutcheson, Jr.,	John C. Pirtle,
Louis W. Arnett,	W. Harrison Isaacs,	H. A. Schoberth,
Elliott B. Beard,	J. H. Jackson,	W. H. Shanks,
F. Pierce Blair,	T. C. Jackson,	John T. Shanklin,
W. N. Brown, Jr.	W. H. Jones,	J. A. Sloan,
J. T. Buford,	W. F. Klair,	John L. Smith,
Albert Butler,	Cleves G. Kinkead,	Sawyer A. Smith,
Will J. Clay,	A. T. Knox,	John S. Steers,
Denver B. Cornett,	E. W. Liliard,	J. A. Sullivan,
Dr. C. F. Crecelius,	W. C. McChord,	C. S. Templeman,
W. A. B. Davis,	Emanuel Meyer,	Geo. C. Waggoner,
John Feland,	H. L. Myers,	John P. Wallace,
Thos. E. Finley,	Garfield Moore,	E. E. Wash,
S. L. Givan,	Jesse F. Nichols,	Harry Weitkamp,
F. E. Graves,	C. C. Patrick,	W. R. Whitlow,
R. L. Gwathmey,	Samuel J. Patrick,	J. Hal. Woodford,
C. W. G. Hannah,		—52

Those who voted in the negative were—

J. W. Berkshire,	W. W. Hopkins,	A. C. Oliver,
O. Houston Brooks,	R. Dillard Hunter,	G. W. Parrott,
Frank J. Brown,	R. F. Hutchinson,	J. F. Porter,
John T. Davis,	W. J. Jackson,	R. S. Rector,
Henry H. Denham,	W. L. Kimbrough,	G. T. Reynolds,
Thurman B. Dixon,	A. T. Lee,	Wm. M. Thompson,
W. F. Edmunds,	Hugh Mahin,	Geo. S. Wilson, —23
Robert Enlow,	J. B. Maynard,	

Resolved, that the title thereof be as aforesaid.

Mr. Sullivan moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said last motion was agreed to.

The hour of 1:30 o'clock p. m. having arrived, the House stood adjourned until 3 o'clock p. m.

AFTERNOON SESSION.

At 3 o'clock p. m. the House met pursuant to adjournment.

A message was received from the Senate announcing that they had passed bills which originated in the House of the following titles:

H. B. 101. An act to amend section 3 of an act of the General Assembly of the Commonwealth of Kentucky, approved March 21st, 1906, entitled, An act permitting persons to combine or pool their crops of wheat, tobacco and other products, and sell same as a whole, and making contracts in pursuance thereof valid, being chapter 117 of the Acts of the General Assembly of the Commonwealth of Kentucky for the year 1906.

With an amendment thereto.

H. B. 103. An act to prevent the sale or transfer of personal property where the possession is in one person and the title thereof is vested in another.

With amendments thereto.

That they had passed bills of the following titles:

1. S. B. 121. An act to amend section 2054, Chapter 63 of the Kentucky Statutes relating to the State Board of Health.

2. S. B. 84. An act appropriating $10,000 for the purpose of restoring the monument to Henry Clay in the Lexington Cemetery.

Said bills were ordered to be printed and referred:

1. To the Committee on Public Health.

2. To to the Committee on Public Monuments and Historical Records.

The House took up for consideration a bill entitled:

H. B. 101. An act to amend section 3 of an act of the General Assembly of the Commonwealth of Keintucky approved March 21, 1906, entitled, An act permitting persons to combine or pool their crops of wheat, tobacco and other products and sell same as a whole, and making contracts in pursuance therewith valid, being Chapter 117 of the Acts of the Commonwealth of Kentucky for the year 1906.

Together with the amendment preposed thereto by the Senate. (For bill see House Journal February 6.)

The amendment as proposed thereto by the Senate is as follows, viz:

In section 1, line 41, between the word "to" and "purchase" insert the word "knowingly."

Said amendment was concurred in.

Said bill as amended was then passed.

The yeas and nays being taken on the final passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Robert H. Anderson,	W. Harrison Isaacs,	R. S. Rector,
O. P. Applegate	J. H. Jackson,	G. T. Reynolds,
Elliott B. Beard,	W. J. Jackson,	Isaac G. Rice,
J. W. Berkshire,	W. H. Jones,	H. A. Schoberth,
O. Houston Brooks,	W. F. Klair,	W. H. Shanks,
Frank J. Brown,	W. L. Kimbrough,	John T. Shanklin,
W. N. Brown, Jr.	A. T. Knox,	J. A. Sloan,
J. T. Buford,	A. T. Lee,	John L. Smith,
Will J. Clay,	E. W. Lillard,	Sawyer A. Smith,
H. K. Cole,	Hugh Mahin,	R. E. Stewart,

Dr. C. F. Crecelius,	J. B. Maynard,	J. A. Sullivan,
John T. Davis,	W. C. McChord,	D. P. Taggart,
W. A. B. Davis,	Emanuel Meyer,	Wm. M. Thompson,
Thurman B. Dixon,	H. L. Myers,	Geo. C. Waggoner,
F. E. Graves,	Jesse F. Nichols,	John P. Wallace,
Robert L. Harris,	G. W. Parrott,	E. E. Wash,
John P. Haswell, Jr.,	C. C. Patrick,	W. R. Whitlow,
W. W. Hopkins,	Samuel J. Patrick,	W. C. Wynn,
R. Dillard Hunter,	John C. Pirtle,	Geo. S. Wilson. —58
F. M. Hutcheson, Jr.,	J. F. Porter,	

The House took up for consideration a bill entitled:

H. B. 103. An act to prevent the sale or transfer of personal property where the possession is in one person and the title thereto is vested in another.

Together with the amendment proposed thereto by the Senate. (For bill see House Journal February 5th.)

The amendment as proposed by the Senate is as follows:

In section 1, line 3, between the words "the" and "consent" insert the word "written." Also in line 9, between the words "the" and "consent" insert the word "written."

Said amendment was concurred in.

Said bill as amended was then passed.

The yeas and nays being taken on the final passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Robert H. Anderson,	R. F. Hutchinson,	J. F. Porter,
O. P. Applegate	W. Harrison Isaacs,	R. S. Rector,
Elliott B. Beard,	J. H. Jackson,	G. T. Reynolds,
J. W. Berkshire,	W. J. Jackson,	Isaac G. Rice,
O. Houston Brooks,	W. H. Jones,	H. A. Schoberth,

Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
Will J. Clay,
H. K. Cole,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Robert Enlow,
F. E. Graves,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.,
W. W. Hopkins,
R. Dillard Hunter,
W. F. Klair,
W. L. Kimbrough,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Hugh Mahin,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
H. L. Myers,
Jesse F. Nichols,
A. C. Oliver,
C. C. Patrick,
Samuel J. Patrick,
John C. Pirtle,
W. H. Shanks,
John T. Shanklin,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
J. A. Sullivan,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson, —61

Mr. Beard, of the Committee on Judiciary, to which the same had been referred, reported a bill entitled:

S. B. 38. An act relating to bonds of public officials and other bonds required by law.

With an amendment.

Mr. Graves, of the Committee on County and City Courts, to which the same had been referred, reported bills of the following titles:

H. B. 344. An act relating to the time, manner and mode of probating wills.

H. B. 362. An act to amend and extend the provisions of section 1840 of the Kentucky Statutes, and to provide for the furnishing, care, custody and maintenance of court houses and court rooms and other public offices therein and public grounds adjacent thereto in counties having therein a city of the first class.

H. B. 122. An act to amend section 4309 of Chapter 110 of the Kentucky Statutes.

H. B. 88. An act to amend and re-enact section 4338 and 932 whereby it is made clear whether the sheriff should pay the road tax to the county treasurer in counties that have a treasurer.

H. B. 328. An act to amend an act entitled, An act for the government of cities of the first class, approved July 1st, 1893.

H. B. 42. An act to amend chapter 52, section 1840 Kentucky Statutes.

H. B. 200. An act to amend section 3 of an act approved March 24, 1904, entitled, An act to define the duties of the county surveyor.

With an amendment thereto.

H. B. 251. An act creating the county of Stearns.

With an amendment thereto.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

Mr. Graves, of the Committee on County and City Courts, to which the same had been recommitted with leave to report at any time, reported a bill entitled:

H. B. 21. An act to provide for the care and maintenance of court houses and court rooms and offices therein and public grounds adjacent thereto in counties having therein Circuit courts of continuous session.

Together with an amendment thereto by way of substitute therefor.

Said bill is as follows:

An Act to Provide for the Care, Custody and Maintenance of Court-Houses, and the Court Rooms and Offices Therein, and the Public Grounds Adjacent Thereto in Counties Having Therein Circuit Courts of Continuous Session.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That in all counties having therein circuit courts of continuous session, the Fiscal Courts of such counties shall have the custody and care of the court-houses, and the court rooms and offices therein, and the public grounds adjacent thereto, and shall have jurisdiction to appropriate, and shall appropriate county funds to the extent, that said Fiscal Courts may deem necessary, for the care custody and maintenance of said buildings, the court rooms and offices therein, and the grounds adjacent thereto, to prevent waste, or injury to, or the spoliation thereof, and to keep the same in order, in repair, and in proper state of cleanliness, to heat and light same, and to furnish water in said buildings, court rooms and the offices therein.

Section 2. That in said counties the jailers thereof shall be relieved of the duties of attending county and quarterly courts, of furnishing fuel, light and water to the circuit courts, and shall not be paid any fees on account thereof.

Section 3. That this act shall only apply to counties having therein circuit courts of continuous session, and all acts inconsistent herewith, so far as same apply to said counties are hereby repealed.

Section 4. Whereas, there is now adequate provision for the care and custody of said buildings and offices in said counties, an emergency is declared to exist, and this act shall take effect after the date of its passage.

The substitute as proposed therefor by the Committee is as follows:

An Act to provide for the care, custody and maintenance of court-houses, and the court rooms and offices therein, and the public grounds adjacent thereto in counties containing cities of the second class:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That in counties having therein a city of the second class, the Fiscal Courts of such county shall have the care, custody and keeping of the court houses and court rooms and offices therein, located at the county seat, and the public grounds adjacent thereto, and shall have the authority and jurisdiction to levy and collect taxes off of the taxable property of the county necessary for the purpose of keeping and maintaining same in proper condition and repair, and the yard and grounds adjacent thereto, and to prevent waste or injury to, or spoliation thereof, and to keep and maintain same in a proper state of cleanliness and sanitation, and to provide heat and lights for same, and to provide sufficient water for the courts and officers thereof and the offices therein.

Section 2. That in said counties the jailers thereof shall be relieved of the duties of attending to county and quarterly courts, or furnishing fuel and lights for same, or furnishing fuel, light and water to the circuit courts, and shall not be allowed any fees on account thereof.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Section 4. Whereas There is now no adequate provisions for the care and keeping and maintenance of the court-houses and yards and grounds adjacent thereto in said counties, an emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

Mr. C. C. Patrick moved that said bill and substitute lie on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by C. C. Patrick and Haswell were as follows, viz.:

Those who voted in the affirmative were—

Louis W. Arnett,	Thos. E. Finley,	A. T. Knox,
F. Pierce Blair,	S. L. Givan,	A. T. Lee,
W. N. Brown, Jr.	John P. Haswell, Jr.	H. L. Myers,
Albert Butler,	R. F. Hutchinson,	C. C. Patrick,
H. K. Cole,	W. Harrison Isaacs,	John T. Shanklin,
Denver B. Cornett,	W. H. Jones,	Sawyer A. Smith,
W. A. B. Davis,	W. L. Kimbrough,	W. C. Wynn, —21

Those who voted in the negative were—

Robert H. Anderson,	W. J. Jackson,	H. A. Schoberth,
Elliott B. Beard,	T. C. Jackson,	W. H. Shanks,
J. W. Berkshire,	W. F. Klair,	J. A. Sloan,
O. Houston Brooks,	Cleves G. Kinkead,	John L. Smith,
Frank J. Brown,	E. W. Lillard,	R. E. Stewart,
J. T. Buford,	Hugh Mahin,	J. A. Sullivan,
Will J. Clay,	W. C. McChord,	D. P. Taggart,
Dr. C. F. Crecelius,	Emanuel Meyer,	C. S. Templeman,
Thurman B. Dixon,	Jesse F. Nichols,	Wm. M. Thompson,
Wm. E. Dowling,	G. W. Parrott,	John P. Wallace,
Robert Enlow,	Samuel J. Patrick,	E. E. Wash,
F. E. Graves,	W. V. Perry,	W. R. Whitlow,
C. W. G. Hannah,	John C. Pirtle,	Geo. S. Wilson,
Robert L. Harris,	J. F. Porter,	J. Hal. Woodford,
R. Dillard Hunter,	G. T. Reynolds,	—45
J. H. Jackson,		

Said substitute was agreed to.

Ordered, that said bill as amended by said substitute be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, the bill was read the third time by its title and placed upon its passage.

The yeas and nays being taken on the passage of said bill in ac-

cordance with the prosivsion of the constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
Will J. Clay,
Dr. C. F. Crecelius,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
Robert Enlow,
F. E. Graves,
C. W. G. Hannah,
Robert L. Harris,
R. Dillard Hunter,
J. H. Jackson,
W. J. Jackson,
W. F. Klair,
W. L. Kimbrough,
E. W. Lillard,
Hugh Mahin,
W. C. McChord,
Emanuel Meyer,
Jesse F. Nichols,
A. C. Oliver,
John C. Pirtle,
J. F. Porter,
Isaac G. Rice,
H. A. Schoberth,
W. H. Shanks,
J. A. Sloan,
John L. Smith,
J. A. Sullivan,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson,
J. Hal. Woodford,
Mr. Speaker,
(W. J. Gooch)—44

Those who voted in the negative were—

G. T. Reynolds—1

It appearing that there is not a quorum present and voting, Mr. Klair moved a call of the House.

Said motion was agreed to.

The roll was called and the following members answered to their names, viz.:

Robert H. Anderson,
Elliott B. Beard,
J. W. Berkshire,
O. Houston Brooks,
R. Dillard Hunter,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
H. A. Schoberth,
W. H. Shanks,
J. A. Sloan,
John L. Smith,

Frank J. Brown,	W. F. Klair,	D. P. Taggart,
J. T. Buford,	W. L. Kimbrough,	C. S. Templeman,
Will J. Clay,	E. W. Lillard,	Wm. M. Thompson,
Dr. C. F. Crecelius,	Hugh Mahin,	Geo. C. Waggoner,
W. A. B. Davis,	W. C. McChord,	John P. Wallace,
Thurman B. Dixon,	H. L. Myers,	E. E. Wash,
Wm. E. Dowling,	Jesse F. Nichols,	W. R. Whitlow,
Robert Enlow,	John C. Pirtle,	Geo. S. Wilson,
F. E. Graves,	J. F. Porter,	J. Hal. Woodford,
C. W. G. Hannah,	G. T. Reynolds,	Mr. Speaker,
Robert L. Harris,	Isaac G. Rice,	(W. J. Gooch)

The absentees were called the second time.

Mr. Klair moved that the doors be closed and locked and that the clerk be ordered to issue warrants for the arrest of the absent members.

Said motion was agreed to.

Mr. W. J. Jackson moved that the House do now adjourn.

Said motion was disagreed to.

Pending the further proceedings under the call, Mr. Klair moved that the further proceedings under the call of the House be dispensed with.

Said motion was agreed to.

The above mentioned bill was placed upon its passage.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson,	Robert L. Harris,	John C. Pirtle,
Elliott B. Beard,	W. W. Hopkins,	J. F. Porter,
J. W. Berkshire,	R. Dillard Hunter,	W. H. Shanks,

O. Houston Brooks,	J. H. Jackson,	J. A. Sloan,
Frank J. Brown,	W. J. Jackson,	John L. Smith,
J. T. Buford,	W. F. Klair,	J. A. Sullivan,
Albert Butler,	W. L. Kimbrough,	D. P. Taggart,
Will J. Clay,	E. W. Lilliard,	Wm. M. Thompson,
Dr. C. F. Crecelius,	Hugh Mahin,	Geo. C. Waggoner,
W. A. B. Davis,	W. C. McChord,	John P. Wallace,
Henry H. Denham,	Emanuel Meyer,	E. E. Wash,
Thurman B. Dixon,	Jesse F. Nichols,	W. R. Whitlow,
Robert Enlow,	A. C. Oliver,	Geo. S. Wilson,
F. E. Graves,	G. W. Parrott,	J. Hal. Woodford,
C. W. G. Hannah,		—43

Those who voted in the negative were—

W. H. Jones,	G. T. Reynolds,	H. A. Schoberth—3

The following named members for the purposes of a quorum were indicated as being present and not voting; and the clerk is ordered to state that fact on the Journal:

Messrs. H. K. Cole, Thomas E. Finley, John T. Davis, R. L. Gwathmey, John P. Haswell, Jr., J. B. Maynard, C. C. Patrick, W. C. Wynn.

Said bill not having received 51 affirmative votes was rejected.

Mr. Schoberth moved to reconsider the vote by which the House failed to pass said bill.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Haswell and C. C. Patrick were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson,	Robert L. Harris,	J. F. Porter,
Elliott B. Beard,	W. W. Hopkins,	H. A. Schoberth,
J. W. Berkshire,	R. Dillard Hunter,	W. H. Shanks,

O. Houston Brooks, Frank J. Brown, J. T. Buford, Albert Butler, Will J. Clay, Dr. C. F. Crecelius, W. A. B. Davis, Thurman B. Dixon, Robert Enlow, F. E. Graves, J. H. Jackson, W. F. Klair, W. L. Kimbrough, Hugh Mahin, W. C. McChord, Emanuel Meyer, A. C. Oliver, Jesse F. Nichols, John C. Pirtle, J. A. Sloan, John L. Smith, J. A. Sullivan, D. P. Taggart, Geo. C. Waggoner, John P. Wallace, E. E. Wash, W. R. Whitlow, Geo. S. Wilson—38

Those who voted in the negative were—

C. W. G. Hannah, W. H. Jones, G. W. Parrott—3

The following members for the purpose of a quorum were indicated as being present and not voting:

Messrs. O. P. Applegate, H. K. Cole, John T. Davis, Henry H. Denham, R. L. Gwathmey, John P. Haswell, Jr., W. H. Isaacs, Cleves G. Kinkead, J. B. Maynard, C. C. Patrick, Isaac G. Rice, W. C. Wynn.

Mr. Klair moved to reconsider the vote by which said bill was ordered to its third reading.

The hour of 5 o'clock p. m. having arrived, the House stood adjourned.

SATURDAY, MARCH 7, 1908.

The House was opened with prayer by Rev. W. E. Simms, of the Methodist Episcopal church, South.

The reading of the journal of yesterday's proceedings was dispensed with.

A message was received from the Senate announcing that they passed bills of the following titles:

S. B. 114. An act to establish the office of Assistant Physician to the jail in counties containing a population of 150,000 or more.

S. B. 149. An act to amend an act entitled, An act to regulate the sale of intoxicating liquors by wholesale in this Commonwealth, which was approved March 22, 1904 and amended by an act approved March 21, 1906.

Said bills were ordered printed and referred:

1. To the Committee on Municipalities.

2. To the Committee on Public Morals.

The House took up for consideration the unfinished business from yesterday, to-wit: a bill entitled:

H. B. 21. An act to provide for the care, custody and maintenance of court houses and court rooms and offices therein and public grounds adjacent thereto in counties having therein circuit courts of continuous session.

Mr. Klair moved that the further consideration of said bill be postponed until Monday next.

Said motion was agreed to.

The House took up for consideration from the calendar bills of the following titles, viz.:

S. B. 38. An act relating to bonds of public officials and other bonds required by law.

H. B. 344. An act relating to the time, manner and mode of probating bills.

H. B. 362. An act to amend and extend the provisions of section 1840 of the Kentucky Statutes and to provide for the furnishing, care, custody and maintenance of court houses and court rooms and other public offices therein and public grounds adjacent thereto in counties having therein a city of the first class.

H. B. 122. An act to amend section 4309 of chapter 110, of the Kentucky Statutes.

H. B. 88. An act to amend and re-enact section 4338 and 932 whereby it is made clear whether the sheriff should pay the road tax to the county treasurer in those counties that have a treasurer.

H. B. 328. An act to amend an act entitled, An act for the government of cities of the first class, approved July 1, 1893.

H. B. 42. An act to amend Chapter 52, section 1840, Kentucky Statutes.

H. B. 200. An act to amend section 3d of an act approved March 24, 1904, entitled, An act to define the duties of the County Surveyor.

H. B. 251. An act creating the county of Stearns.

H. B. 414. An act regulating the militia of the Commonwealth of Kentucky and repealing all other laws or parts of laws relating thereto.

Ordered, that said bills be severally read the second time.

The constitutional provision as to the second reading of said bills at length being dispensed with, said bills were severally read the second time by their titles.

Ordered that said bills be placed in the orders of the day.

The Committees to which the same had been referred, reported bills of the following titles:

By Mr. J. H. Jackson, of the Committee on Education No. 2.

S. B. 86. An act to amend an act entitled, An act to amend

the charter of Bacon college and to amend an act entitled, An act to consolidate Kentucky University and Transylvania University and to change the name of Kentucky University to Transylvania University.

By Mr. Lillard, of the Commitee on Military Affairs:

H. B. 420. An act to permit the establishment of a brigade of naval militia.

By Mr. Wilson, of the Committee on Corporate Institutions:

H. B. 348. An act to require all corporations except foreign insurance companies formed under the laws of this or any other State and doing business in this State to have recorded in the office of the county clerk in the county in which its principal office or place of business is located and to file a copy thereof with the Secretary of State, and fixing a penalty for violation thereof.

By Mr. Shanks, of the Committee on Suffrage and Elections:

S. B. 21. An act relating to registration in towns of the fifth and sixth classes, amending section 1486 of Kentucky Statutes by striking out the words "fifth" and "sixth."

By Mr. McChord, of the Committee on Revenue and Taxation:

H. B. 351. An act to amend an act entitled, An act relating to Revenue and Taxation, approved March 15, 1906.

Without any expression of opinion.

By Mr. Porter, of the Committee on Mines and Mining:

H. B. 208. An act making eight hours a legal day's work in and about the mines of this State.

With an amendment thereto by way of substitute therefor.

Said bills were severally read the first time at length and ordered to be placed upon the calendar.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 306. An act to amend and re-enact sections 1, 11, 16, 19, 20, 22, 23, 24, and 26 of sections 2380, and subsections 4, 5 and 7 of section 2412a of the 1903 edition of Carroll's Kentucky Statutes, which relates to the drainage of lands in this Commonwealth.

With amendment thereto proposed by the Committee.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Subsection 1 of Section 2380 of the Kentucky Statutes be, and the same is hereby amended and as amended said subsection shall read: That the county judge of any county shall have power at any regular session of the county court, when the same shall be conducive to the public health, convenience, or welfare, or when the same will be of public benefit or utility to the people in whose vicinity any creek, drain, ditch or water course is located, to cause to be constructed or cleaned out, drained or widened, or deepened, or otherwise improved, or all, as hereinafter provided, any such ditch, drain, water course or creek, with or without arms, or branches or forks, or tributaries within said county.

§ 2. That Subsection 2 of Section 2380 of the Kentucky Statutes be, and the same is hereby amended, and as amended said Subsection 2 shall read:

Section 2. Any person or persons interested in the location of said proposed ditch may file exceptions, or a remonstrance against the ditch by setting forth his grievance therein, and any person deeming his assessment too high, or the damage allowed him too low, may also except, or remonstrate for such reason against the

action of the viewers, but before filing such remonstrance or exception, the person or persons so excepting or remonstrating shall file with the county clerk of said county a bond for the payment of the costs that may accrue upon said exceptions or remonstrances, with at least two freehold sureties, to be approved by the county judge, upon the condition that he will duly prosecute said exceptions or remonstrances and pay all costs that may be adjudged against him upon the same, and thereupon the court shall appoint three disinterested freeholders and householders of the county (not of kin to any person interested in the proposed work) as reviewers, to meet at a specified time and plaec preparatory to commencing said review. And it shall be the duty of the clerk thereupon to issue to said reviewers a certified copy of the petition and remonstrance, and the order of the court appointing such reviewers.

§ 3. That Subsection 16 of Section 2380 of the Kentucky Statutes be, and the same is hereby amended, by repealing the whole of said Subsection, and enacting in lieu thereof as Subsection 16, these words, which read:

Section 16. Whenever the court establishes the public ditch, drain or water course, he shall certify to the sheriff the estimate of the total cost of construction of the work and the amount set apart and apportioned to each parcel of land to each corporate road, or railroad, or county whose highways are benefitted, together with the cost of said petition and all other necessary and proper expenses incurred in the establishing of said ditch, which report or certificate shall be a copy of the same filed by the viewers in said cause, and shall also be signed by the said viewers and approved by the county judge. When this shall come to the hands of the sheriff it shall become his duty to notify each party against whose land assessments are made that same are in his hands for collection and that unless same are paid within 120 days, that a penalty of six per cent. of the sum assessed shall be added to said assessment; and such penalty shall beocme part of the ditch fund for the keeping and maintenance

of said ditches after the costs of collecting same are paid. If said assessments are not paid to the sheriffs as before set out, or before 120 days upon his receipt of said assessments, then he shall collect same as other revenues and taxes, at the same time and in the same manner as provided by the laws of this State of Kentucky for their collection, together with the penalty of six per cent as hereinbefore provided. The sheriff shall keep a separate book showing in full the amount of assessment made in each ditch petitioned, and showing the amount due from each party, as well as the amount of land assessed, and showing the amount collected by him and at each term of the county court, after the receipt of said assessments, he shall make a written report to the said court of all amounts collected by him and any amounts yet due and uncollected, which shall be filed and certified to the county court clerk, recorded in the ditch book kept by said clerk, and upon the approval of said report by the county judge, he shall pay over to the ditch commissioner upon the order of the county judge any and all money that may be in his hands, specifying in each instance against what ditch said collections are made, and shall take the said Commissioners' receipt therefor, which he shall file with his next report. The sheriff shall be paid for the collection of said assessments, costs, etc., six per cent upon all amounts collected by him.

§ 4. Subsection 19 of Section 2380 of the Kentucky Statutes shall be amended by striking out all words contained by said Section and adding in lieu thereof these words, which shall read:

After the transcript of the proceedings had in the circuit court and all other papers in the case are returned to the county clerk's office the clerk shall cause such entry to be made on the records as may be necessary to give effect to the judgment of the circuit court within fifteen days from the order of said circuit court, or if there be no appeal within twenty days from the establishment of said ditch, drain or water course, the ditch commissioner shall let out contracts for the work in accordance with the report of the viewers to the

lowest and best bidder, at such a price not to exceed the estimated cost as set out in the viewers' report. He shall have the power to allot all or any portion of said work to a contractor, but before doing same he shall take from said contractor a contractor's bond, with two freehold securities, payable to the Commonwealth of Kentucky, to be approved by the county judge, conditioned that he will perform his contract and pay all damages which may accrue to any person, or persons by reason of his failure to complete the job within the time required in the contract thereof. Before allloting said contract or contracts the commissioner shall cause to be published in some paper in the county, in which the said drain, ditch or water course is proposed to be established, an advertiseemnt that he will, on some certain day, at the court house in said county, receive bids for the work upon said ditch, which notice shall be published for two successive weeks before letting of said contract, and shall also post a copy of said notice at the court house door, and in three public places in the vicinity of said ditch, drain or water course. Any contract not completed within the time fixed in the contract and bond, shall be relet by the said commissioner to the lowest responsible bidder, who shall give a like bond as the original bidder, and the person and his security, to whom the contract was first let shall be liable for the additional costs and expenses which may be incurred by his failure to complete the work as required by his contract.

§ 5. That Subsection 20 of Section 2380, Kentucky Statutes, shall be amended by striking out all the words of said Subsection 20.

§ 6. That Subsection 22, 23 and 24 of Section 2380, Kentucky Statutes be, and the same is hereby amended and when so amended shall read:

Sections 22, 23 and 24. The county judge of the county in which any such ditch shall be established, or judge of the county in which the greater length of any such ditch is established, in case it shall be established in two or more counties, shall appoint a commissioner

thereof whose duty it shall be to keep the ditch at all times open and free from drift and obstruction of all kinds, and his compensation shall be fixed by the fiscal court of such county. And all lands originally assessed for the construction of said ditch shall contribute in proportion to their original assessment to provide a fund for the payment of the commissioner's salary, and the other necessary cost of keeping such ditch open and free from obstruction: Provided, however, That no assessment for such purpose shall exceed ten per cent of the original assessment, and shall be made by the fiscal court of such county in which such commissioner is appointed, and such assessment when made shall be placed in the hands of the sheriff and collected as other taxes are collected, and when so collected, shall be turned over to the ditch commissioner, and shall be paid out by him only upon the order of the county judge. The commissioner may employ such help as may be necessary, with the approval of the county judge, to keep the ditch open and free from obstruction, and the help so employed shall be paid by the commissioner upon the order of the county judge. The commissioner shall report in writing to the county court every three months all receipts and expenditures had and made by him, and the condition of all the ditches in his county under his control and each report shall be certified by the county judge to the fiscal court at its next regular meeting. The commissioner shall execute a bond with good and sufficient freehold securities payable to the Commonwealth of Kentucky, to be approved by the county judge, conditioned upon the faithful performance of his duties as said commissioner.

§ 7. That Subsection 26 of Section 2380, Kentucky Statutes, be amended, and when so amended shall read:

Section 26. The commissioner of ditches of any county shall provide a suitable book at the expense of the county, in which to keep such ditch accounts and shall open therein an account with each public ditch, drain or water course in his county in the name of which the same is generally known, and he shall charge all assess-

ments and credit all payments made in each case. The money collected shall constitute a separate and special fund, and shall be paid out by the commissioner upon the order of the county judge to the persons entitled to the same by the provisions of this act.

§ 8. That Subsection 5 of Section 2412a, Kentucky Statutes, shall be amended and when amended shall read:

Section 5. All fines, forfeitures or penalties provided for in this Act may be recovered in the county court or any other court of competent jurisdiction.

§ 9. That Subsection 7 of Section 2412a, Kentucky Statutes, shall be amended by striking out all words contained in said Subsection.

Said amendment is as follows, viz.:

Amend by striking out the words "creek" and "water course" wherever they appear.

Said amendment was agreed to.

Ordered, That said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

O. P. Applegate	John P. Haswell, Jr.,	G. L. Perryman,
Elliott B. Beard,	W. W. Hopkins,	G. T. Reynolds,
J W. Berkshire,	R. Dillard Hunter,	Isaac G. Rice,
F. Pierce Blair,	R. F. Hutchinson,	H. A. Schoberth,
Frank J. Brown,	W. Harrison Isaacs,	W. H. Shanks,
W. N. Brown, Jr.	J. H. Jackson,	John T. Shanklin,

J. T. Buford,	W. H. Jones,	John L. Smith,
Albert Butler,	W. F. Klair,	Sawyer A. Smith,
H. K. Cole,	A. T. Knox,	R. E. Stewart,
Denver B. Cornett,	A. T. Lee,	D. P. Taggart,
Dr. C. F. Crecelius,	E. W. Lilliard,	Eugene W. Tandy,
W. A. B. Davis,	Hugh Mahin,	Wm. M. Thompson,
Henry H. Denham,	J. B. Maynard,	Geo. C. Waggoner,
J. A. Duff,	W. C. McChord,	John P. Wallace,
John Feland,	Emanuel Meyer,	E. E. Wash,
Thos. E. Finley,	H. L. Myers,	W. R. Whitlow,
F. E. Graves,	Jesse F. Nichols,	Geo. S. Wilson,
R. L. Gwathmey,	G. W. Parrott,	W. C. Wynn—56
C. W. G. Hannah,	C. C. Patrick,	

Resolved, That the title thereof be as aforesaid.

Mr. Wilson moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 108. An act relating to the assessment of property for taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That if it shall appear to the judge of the county court of any county in this Commonwealth that the tax books or schedules of any assessment shall have been duly returned by the county assessor of such county to the county clerk, and that the same shall have been destroyed by fire, or shall otherwise have become lost, mutilated or destroyed and it shall also appear that the same is true of the tax books, or schedules, for the previous year, then

it shall be lawful for the county judge of the county court in such county, to immediately cause the county assessor to make another assessment of the county, and this the county judge shall do by making an order on his order book, directing the county assessor to make such assessment, which assessment he shall complete, and return the tax books and schedules to the county clerk, within ninety days from the making of the order directing him so to do. The assessor, in making such assessment, shall be governed by the same laws regulating the assessment of property which were in force September 1st, immediately preceding such assessment. The assessor shall receive the same compensation for his services in making said assessment, and allowed and paid in the same way as is now provided by law; but this shall in nowise affect in any manner the payment to him of any salary which he has received, or may be due him, for services in making the assessment so burned, lost, mutilated or destroyed. Upon the return of the tax books and schedules by the assessor to the county clerk of such assessment, the county judge in such county shall immediately reconvene the board of county supervisors, who shall supervise said assessment, as is now provided by law for the supervising of regular assessments, and the duties of the county clerk relative to said assessment shall be the same as of a regular assessment.

§ 2. All act and parts of acts in conflict with this act are hereby repealed.

§ 3. That the provisions of this act shall become operative at as early a date as possible, an emergency is declared to exist, and, therefore, this act shall take effect from and after its passage.

Ordered, That said bill be read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

O. P. Applegate	John P. Haswell, Jr.,	G. W. Parrott,
Elliott B. Beard,	W. W. Hopkins,	G. L. Perryman,
J. W. Berkshire,	R. Dillard Hunter,	J. F. Porter,
F. Pierce Blair,	R. F. Hutchinson,	G. T. Reynolds,
O. Houston Brooks,	W. Harrison Isaacs,	Isaac G. Rice,
Frank J. Brown,	J. H. Jackson,	H. A. Schoberth,
W. N. Brown, Jr.	W. J. Jackson,	W. H. Shanks,
J. T. Buford,	W. H. Jones,	John T. Shanklin,
Albert Butler,	W. F. Klair,	John L. Smith,
H. K. Cole,	Cleves G. Kinkead,	Sawyer A. Smith,
Denver B. Cornett,	A. T. Knox,	R. E. Stewart,
Dr. C. F. Crecelius,	A. T. Lee,	D. P. Taggart,
W. A. B. Davis,	E. W. Lillard,	Eugene W. Tandy,
Henry H. Denham,	Hugh Mahin,	Wm. M. Thompson,
J. A. Duff,	J. B. Maynard,	Geo. C. Waggoner,
John Feland,	W. C. McChord,	John P. Wallace,
Thos. E. Finley,	Emanuel Meyer,	E. E. Wash,
F. E. Graves,	H. L. Myers,	W. R. Whitlow,
R. L. Gwathmey,	Garfield Moore,	W. C. Wynn,
C. W. G. Hannah,	Jesse F. Nichols,	Geo. S. Wilson—60

Resolved, That the title thereof be as aforesaid.

Mr. Beard moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 83. An act to accept the provision of an act passed by the Congress of the United States and approved March 16, 1906,

to provide for an increased annual appropriation for agricultural experiment stations, and regulating the expenditures thereof.

Said bill is as follows, viz.:

Whereas, the Congress of the United States passed an act, entitled "An act to provide for an increased annual appropriation for Agricultural Experiment Stations, and regulating the expenditure thereof," approved March 16, 1905; and

Whereas, By Section 2 of the said act the grants of money authorized by the said act are made subject to the legislative assent of the several States and Territories to the purpose of said grants: Provided, that payment of such installments of the appropriation herein made as shall become due to any State or Territory before the adjournment of the regular session of the Legislature, meeting next after the passage of this bill, shall be made upon the consent of the Governor thereof, duly certified by the Secretary of the Treasury; and

Whereas, The last Legislature of this State had adjourned prior to March 16, 1906; and

Whereas, The Governor of the State certified to the Secretary of the Treasury that the Legislature was not in session and accepted the provisions of said act for this State until the meeting of the next Legislature; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the assent of the Legislature of this Commonwealth, be, and is hereby, given to the provisions of the act, entitled "An act to provide for an increased annual appropriation for Agricultural Experiment Stations, and regulating the expenditures thereof."

§ 2. That the Governor of this Commonwealth send a certified copy thereof to the Secretary of the Treasury of the United States.

Ordered, That said bill be read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

O. P. Applegate	W. W. Hopkins,	J. F. Porter,
Elliott B. Beard,	R. Dillard Hunter,	R. S. Rector,
J. W. Berkshire,	R. F. Hutchinson,	G. T. Reynolds,
F. Pierce Blair,	J. H. Jackson,	Isaac G. Rice,
O. Houston Brooks,	W. J. Jackson,	H. A. Schoberth,
Frank J. Brown,	W. H. Jones,	W. H. Shanks,
W. N. Brown, Jr.	W. F. Klair,	John T. Shanklin,
J. T. Buford,	Cleves G. Kinkead,	John L. Smith,
Albert Butler,	A. T. Knox,	Sawyer A. Smith,
H. K. Cole,	A. T. Lee,	R. E. Stewart,
Dr. C. F. Crecelius,	E. W. Lillard,	D. P. Taggart,
W. A. B. Davis,	Hugh Mahin,	Eugene W. Tandy,
Henry H. Denham,	J. B. Maynard,	C. S. Templeman,
J. A. Duff,	W. C. McChord,	Wm. M. Thompson,
Thos. E. Finley,	Emanuel Meyer,	Geo. C. Waggoner,
F. E. Graves,	Jesse F. Nichols,	John P. Wallace,
R. L. Gwathmey,	G. W. Parrott,	E. E. Wash,
C. W. G. Hannah,	C. C. Patrick,	W. R. Whitlow,
John P. Haswell, Jr.,	G. L. Perryman,	Geo. S. Wilson—58

Resolved, That the title thereof be as aforesaid.

Mr. Hopkins moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 138. An act to change the court calendar of the thirteenth judicial district.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section nine hundred and sixty-five (965), of the Kentucky Statutes, in so far as it relates to the tiem of holding courts in the Thirteenth (13th) Judicial District, be, and the same is hereby, repealed; and, in lieu thereof, is enacted the following:

"Thirteenth Judicial District—

"Boyle county, at Danville, on the first Monday in January; on the second Monday in April, and on the second Monday in September, and continue eighteen juridical days, each.

"Mercer county, at Harrodsburg, on the fourth Monday in January, and the first Monday in May, and continue eighteen juridical days, each; and on the first Monday in October, and continue twenty-four juridical days.

"Lincoln county, at Stanford, on the third Monday in February, and continue twelve juridical days; on the fourth Monday in May and the first Monday in November, and continue eighteen juridical days.

"Garrard county, at Lancaster, on the first Monday in March; the third Monday in June, and the fourth Monday in November, and continue eighteen juridical days, each."

§ 2. Whereas, It is necessary that the courts of the counties mentioned in this act be re-arranged, to facilitate the transaction of business therein, and, in order to prevent a conflict and confusion in the terms of said court, an emergency is declared to exist, and this act shall take effect and be in full force after its passage.

Ordered, That said bill be read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

O. P. Applegate
Elliott B. Beard,
J. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
H. K. Cole,
Denver B. Cornett,
Dr. C. F. Crecelius,
W. A. B. Davis,
Henry H. Denham,
J. A. Duff,
John Feland,
Thos. E. Finley,
F. E. Graves,
R. L. Gwathmey,
C. W. G. Hannah,
John P. Haswell, Jr.,
W. W. Hopkins,
R. Dillard Hunter,
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
W. H. Jones,
W. F. Klair,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Hugh Mahin,
J. B. Maynard
W. C. McChord,
Emanuel Meyer,
H. L. Myers,
Garfield Moore,
Jesse F. Nichols,
G. W. Parrott,
G. L. Perryman,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
J. A. Sloan,
John L. Smith,
R. E. Stewart,
Eugene W. Tandy,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson—60

Resolved, That the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 257. An act to amend section 1882, chapter 52, article 5 of the Kentucky Statutes, Carroll's edition of 1903, entitled, Fiscal Courts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1882, article 5, chapter 52, of the Kentucky Statutes, Carroll's edition of 1903, be amended as follows:

In the sixth line of said section after the word "Kentucky," omit the period, and insert a comma, and the following words, "or said poll tax of one dollar and fifty cents or less, may be applied to the maintenance of the public roads of the respective counties of this Commonwealth, and when so applied the fiscal court shall enter an order to that effect." So that said section as amended shall read as follows:

"The court of claims or levy, or fiscal court, of each county in this Commonwealth is hereby authorized to levy and collect a poll and ad valorem tax to pay off the existing current indebtedness, and to defray the current and necessary expenses of the respective counties of the Commonwealth of Kentucky, or said poll tax of one dollar and fifty cents or less may be applied to the maintenance of the public roads, of the respective counties of this Commonwealth, and when so applied the fiscal court shall enter an order to that effect. But this act shall not be construed so as to authorize the court of claims or fiscal court of any conuty to levy a tax to pay any railroad bonded indebtedness, or any interest on any such indebtedness. That the poll tax shall not exceed $1.50 on each male person of the age of 21 years or more residing in the county. The ad valorem tax shall not exceed 50 cents on the one

hundred dollars worth of taxable property assessed in the county."

Ordered, That said bill be read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

O. P. Applegate	W. W. Hopkins,	G. L. Perryman,
Elliott B. Beard,	R. F. Hutchinson,	J. F. Porter,
J. W. Berkshire,	W. Harrison Isaacs,	R. S. Rector,
F. Pierce Blair,	J. H. Jackson,	Isaac G. Rice,
O. Houston Brooks,	W. H. Jones,	W. H. Shanks,
Frank J. Brown,	W. F. Klair,	John T. Shanklin,
W. N. Brown, Jr.	W. L. Kimbrough,	J. A. Sloan,
J. T. Buford,	Cleves G. Kinkead,	John L. Smith,
H. K. Cole,	A. T. Lee,	R. E. Stewart,
Dr. C. F. Crecelius,	E. W. Lillard,	Eugene W. Tandy,
W. A. B. Davis,	Hugh Mahin,	Wm. M. Thompson,
Thos. E. Finley,	J. B. Maynard,	Geo. C. Waggoner,
F. E. Graves,	W. C. McChord,	John P. Wallace,
R. L. Gwathmey,	Emanuel Meyer,	E. E. Wash,
C. W. G. Hannah,	H. L. Myers,	W. R. Whitlow,
Robert L. Harris,	Jesse F. Nichols,	W. C. Wynn,
John P. Haswell, Jr.,	G. W. Parrott,	Geo. S. Wilson—52

Those who voted in the negative were—

W. J. Jackson,	C. C. Patrick,	G. T. Reynolds—3

Resolved, That the title thereof be as aforesaid.

Mr. Beard moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 136. An act to allow veteran voluntary firemen's associations pension in the city of Louisville.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the General Council of the city of Louisville be empowered to grant to each of said veteran volunteer firemen a pension of $12.00 per month, same to be paid out of the treasury of the city of Louisville.

Ordered, That said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

That yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

O. P. Applegate	Robert L. Harris,	C. C. Patrick,
Elliott B. Beard,	John P. Haswell, Jr.,	G. L. Perryman,
J. W. Berkshire,	W. W. Hopkins,	J. F. Porter,
F. Pierce Blair,	R. Dillard Hunter,	R. S. Rector,
O. Houston Brooks,	R. F. Hutchinson,	G. T. Reynolds,
Frank J. Brown,	W. Harrison Isaacs,	Isaac G. Rice,
W. N. Brown, Jr.	J. H. Jackson,	H. A. Schoberth,
J. T. Buford,	W. J. Jackson,	John T. Shanklin,
Albert Butler,	W. H. Jones,	John L. Smith,
H. K. Cole,	W. F. Klair,	Sawyer A. Smith,
Dr. C. F. Crecelius,	W. L. Kimbrough,	R. E. Stewart,

W. A. B. Davis,	A. T. Lee,	Eugene W. Tandy,
Henry H. Denham,	E. W. Lillard,	Wm. M. Thompson,
Thurman B. Dixon,	J. B. Maynard,	Geo. C. Waggoner,
J. A. Duff,	W. C. McChord,	John P. Wallace,
Thos. E. Finley,	Emanuel Meyer,	E. E. Wash,
F. E. Graves,	H. L. Myers,	W. R. Whitlow,
R. L. Gwathmey,	Jesse F. Nichols,	W. C. Wynn,
C. W. G. Hannah,	G. W. Parrott,	Geo. S. Wilson—57

Resolved, That the title thereof be as aforesaid.

Mr. Wallace moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 230. An act to amend 2940, Kentucky Statutes, to compensate school trustees in cities of the first class for attendance at school boards and committee meetings.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2949, of chapter 89, of the Kentucky Statutes, be amended by adding the following words, to-wit:

"That said school trustees shall be paid for attendance at and through each regular and special meeting of the board the sum of ten dollars ($10): Provided, The total number of said meetings do not exceed twenty-four in any one year, and $5 for actual attendance at and throughout each committee meeting of the regular committees of the said board: Provided, Said meetings do not exceed twenty-four (24) for any one year for each trustee.

"That said compensation herein provided for shall be paid by the secretary and treasurer of the board quarterly out of the regular funds for the payment of salaries, as the salaries of the other officers of the board are paid."

§ 2. That this act shall take effect from and after the next annual election of school trustees in cities of the first class in November, 1908.

Ordered, That said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

That yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

O. P. Applegate	W. W. Hopkins,	W. H. Shanks,
J. W. Berkshire,	R. F. Hutchinson,	John T. Shanklin,
O. Houston Brooks,	W. H. Jones,	John L. Smith,
J. T. Buford,	W. F. Klair,	Sawyer A. Smith,
Albert Butler,	E. W. Lillard,	R. E. Stewart,
H. K. Cole,	W. C. McChord,	D. P. Taggart,
Dr. C. F. Crecelius,	Emanuel Meyer,	Eugene W. Tandy,
W. A. B. Davis,	H. L. Myers,	Wm. M. Thompson,
Thurman B. Dixon,	Jesse F. Nichols,	Geo. C. Waggoner,
Thos. E. Finley,	G. L. Perryman,	John P. Wallace,
F. E. Graves,	J. F. Porter,	E. E. Wash,
C. W. G. Hannah,	R. S. Rector,	W. R. Whitlow,
Robert L. Harris,	Isaac G. Rice,	W. C. Wynn,
John P. Haswell, Jr.,	H. A. Schoberth,	Geo. S. Wilson—42

Those who voted in the negative were—

R. L. Gwathmey,	W. J. Jackson,	J. B. Maynard,
R. Dillard Hunter,	W. L. Kimbrough,	G. W. Parrott,
W. Harrison Isaacs,	A. T. Lee,	G. T. Reynolds—10
J. H. Jackson,		

Resolved, That the title thereof be as aforesaid.

Mr. Emanuel Meyer moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 179. An act enabling the Kentucky Board of Pharmacy to exchange certificates of registration with other States, allowing pharmacists registered in a foreign State to practice pharmacy in the State of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Kentucky Board of Pharmacy is hereby authorized to exchange certificates of registration with other States, allowing registered pharmacists of foreign States to practice pharmacy in this State, under such rules and regulations as the Kentucky Board of Pharmacy shall determine.

§ 2. Registered pharmacists of foreign States, desiring to exchange certificates of registration and to practice pharmacy in this State, must be graduates of a reputable college of pharmacy and have all the essential qualifications required of a registered pharmacist in this State.

§ 3. This act shall take effect on and after its passage.

Ordered, That said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

That yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

O. P. Applegate
Elliott B. Beard,
J. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
H. K. Cole,
Dr. C. F. Crecelius,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
J. A. Duff,
Thos. E. Finley,
F. E. Graves,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.,
W. W. Hopkins,
R. Dillard Hunter,
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
Jesse F. Nichols,
G. W. Parrott,
C. C. Patrick,
G. L. Perryman,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
John L. Smith,
R. E. Stewart,
D. P. Taggart,
Eugene W. Tandy,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn—57

Resolved, That the title thereof be as aforesaid.

Mr. Emanuel Meyer moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 291. An act to amend an act entitled, An act for the government of cities of the first class, approved July 1, 1893, pro-

viding the creation, control and disposition of a fund to be used in pensioning common school teachers in cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in the month of July in the year 1908 there shall be organized in connection with the public school system in all cities of the first class in this Commonwealth a Board to be known as the Board of Trustees of the Teachers' Pension Fund, which Board shall be composed of the Mayor, the President of the Board of School Trustees, the Superintendent of City Schools, the City Treasurer and the Comptroller, and said Board shall select from its members a Secretary and Treasurer. The President of the Board of School Trustees shall be ex-officio President of said Pension Board. The City Treasurer shall be ex-officio Treasurer of said Board and all the funds coming into his hands. The members of said Board shall continue members thereof until their respective successors shall have been elected or appointed and qualified.

§ 2. There shall be levied and set apart by the General Council of all cities of the first class in this Commonwealth for the year 1909 a tax of not more than one per cent on each one hundred dollars of value of the taxable property in said cities for said year, as a fund for the pensioning as hereinafter provided, of teachers in said cities, A like tax shall be levied and set apart for the same purpose for each succeeding year until said fund shall have reached the sum of $300,000.00, as of date the 1st of September preceding, in such event the levy of said tax shall cease, but should said fund thereafter, as of the 1st of September in any year, fall below the sum of $300,000.00 then the said tax shall be levied for each succeeding year and for each year thereafter until the said fund shall have again reached the sum of $300,000.00 as of the 1st of September immediately preceding the time of making the usual tax levy in said cities, it being one

of the purposes of this act to permit the amount of said fund to be kept at all times as near as possible at $300,000.00.

§ 3. Donations may also be made to said fund by act or devise. Said Board shall have exclusive control and management of said fund, and shall assess each teacher in the public school system of the city one per centum of the salary of said teacher, to be deducted and withheld from the monthly pay of each teacher so assessed, the same to be placed by the Treasurer of each city of the first class to the credit of such fund, subject to the order of such Board. Such assessments, together with donations and the tax levy aforesaid shall constitute and be kept as a fund to be called the Teachers' Pension Fund, and the Board hereinbefore designated is hereby declared to be the trustee of said fund, and it shall have power and it shall be its duty from time to time to investigate the same, in whole or in part, as it shall deem most advantageous for the purposes of said fund, and it is empowered to take all necessary remedies in the premises.

§ 4. Said Board shall make all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief or pensions under this act and its decisions on such applications shall be final and conclusive and not subject to review, revision or reversal except by said Board. and a record shall be kept by its Secretary of all meetings and proceedings of said Board.

§ 5. Said Board of Trustees shall have power to draw said Pension Fund from the Treasury and may invest same or any part thereof in the name of the Board of Trustees of the Teachers' Pension Fund, in interest-bearing bonds of the United States, or of the State of Kentucky, or any city of the first class in the State of Kentucky, and all such securities shall be deposited with the Treasurer of said Board, and shall be subject to the order of said Board.

§ 6. Both the principal and the interest of said pension fund shall be applicable to the payment of pensions under this act.

§ 7. If any teacher after having taught 25 years becomes mentally or physically disabled so as to render necessary his retirement from service, said Board of Trustees shall retire such teacher, and upon retirement the Board of Trustees shall order the payment to such teacher monthly, from said Pension Fund, the sum of $25 per month or $300 per year to those whose salaries at date of their retirement was less than $1200, and the sum of $50 per month or $600 per year to those whose salaries at date of retirement was $1200 per year or more.

§ 8. Any teacher having served twenty-five years or more, whether consecutively or not, in the public school system of any one city in which this act is put in force may make application to be retired from service, and if his application is granted said Board of Trustees shall order and direct that said person be paid from said Teachers' Pension Fund a monthly pension in proportion to the salary as provided for in Section 7 of this act; Provided, That no such application shall be granted unless the person so applying shall have reached the age of fifty-five years.

§ 9. If at any time there shall not be sufficient money in the Teachers' Pension Fund to pay each person entitled to the benefit thereof the amount per month as herein provided, then the equal per centage of such monthly payments shall be made to each beneficiary until the said fund shall be so replenished as to warrant the payment in full of each of its said beneficiaries.

§ 10. The Treasurer of the Board of Trustees shall be the custodian of said Pension Fund and shall secure and safely keep the same subject to the control and direction of the Board, and shall keep his books and accounts concerning said fund in such manner as may be prescribed by the Board, and such books and accounts shall always be subject to the inspection of the Board and each member

thereof. The Treasurer shall, within ten days after his election or appointment, execute a bond to the city, with good and sufficient surety in such sum as the Board shall direct, to be approved by the Board, conditioned for the faithful performance of the duties of his office and that he will safely keep and well and truthfully account for all moneys and properties which may come into his hands as such Treasurer, and that upon the expiration of his term of office he will surrender and deliver to his successor, all bonds, securities, and all unexpended moneys or other property which may have come into his hands as Treasurer of said fund. Said bonds shall be filed in the office of the Comptroller, as other bonds, and may be sued on in the name of said city for the use of said Board or in the name of said Board or any person or persons injured by a breach thereof.

§ 11. It shall be the duty of each officer or officers of the city as are designated by law to draw warrants on the Treasurer of said city, on request in writing by said Board of Trustees, to draw warrants on the Treasurer of said city, payable to the Treasurer of said Board of Trustees, for all funds belonging to said fund as aforesaid.

§ 12. All moneys ordered to be paid from said Pension Fund to any person or persons shall be paid by the Treasurer of the Board of Trustees only upon warrants signed by the President of said Board and countersigned by the Secretary thereof, and no warrant shall be drawn except by order of the Board after having been duly entered on the records of the proceedings of the Board.

§ 13. The Board of Trustees shall make a report to the General Council of said city of the condition of said Pension Fund on the last meeting night in August in each and every year.

§ 14. No portion of said Pension Fund shall, before or after its order for distribution by the Board of Trustees to the persons entitled thereto, be held, seized, taken, subjected to, detained or levied by virtue of any attachment, execution, injunction, writ, interlocutory, or any other order or decree, or any process of proceedings whatever issued out of or by any court of this State for

the payment or satisfaction, in whole or in part, of any debt, damage, claim, demand or judgment against the beneficiaries of said fund, but said fund shall be held and distributed for the purposes of this act, and for no other purpose whatever.

§ 15. It shall be the duty of the attorney for cities of the first class to give advice to the Board of Trustees of the Teachers' Pension Fund in all matters pertaining to their duties and management of said fund whenever thereunto requested, and he shall represent and defend said Board as its attorney in all suits or actions at law or equity that may be brought against it, and bring all suits and actions in its behalf that may be required or determined upon by said Board.

Ordered, That said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were were as follows, viz.:

Those who voted in the affirmative were—

O. P. Applegate,	W. W. Hopkins,	J. F. Porter,
J. W. Berkshire,	R. Dillard Hunter,	R. S. Rector,
F. Pierce Blair,	R. F. Hutchinson,	G. T. Reynolds,
O. Houston Brooks,	W. Harrison Isaacs,	H. A. Schoberth,
Frank J. Brown,	J. H. Jackson,	W. H. Shanks,
W. N. Brown, Jr.	W. J. Jackson,	John T. Shanklin,
Albert Butler,	W. H. Jones,	Sawyer A. Smith,
H. K. Cole,	W. F. Klair,	John L. Smith,
Dr. C. F. Crecelius,	Cleves G. Kinkead,	R. E. Stewart,
W. A. B. Davis,	A. T. Knox,	D. P. Taggart,
Henry H. Denham,	A. T. Lee,	Eugene W. Tandy,
Thurman B. Dixon,	E. W. Lillard,	Wm. M. Thompson,
J. A. Duff,	J. B. Maynard,	Geo. C. Waggoner,

Thos. E. Finley,	W. C. McChord,	John P. Wallace,
F. E. Graves,	Emanuel Meyer,	E. E. Wash,
R. L. Gwathmey,	H. L. Myers,	W. R. Whitlow,
C. W. G. Hannah,	Jesse F. Nichols,	W. C. Wynn,
Robert L. Harris,	G. W. Parrott,	Geo. S. Wilson—56
John P. Haswell, Jr.,	G. L. Perryman,	

Those who voted in the negative were—

J. T. Buford—1

Resolved, That the title thereof be as aforesaid.

Mr. Wallace moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Mr. Klair moved that the House do now adjourn until Monday next, the 9th inst.

Said motion was agreed to.

MONDAY, MARCH 9th, 1908.

James E. Stone, Clerk of the House, produced and read the following communication, viz.:

Frankfort, Ky., March 9th, 1908.

James E. Stone, Clerk of the House:

I hereby designate the Hon. Elliott Beard, of Shelby county, to act as Speaker pro tem. on this date.

W. J. GOOCH,

Speaker of the House of Representatives.

The House was opened with prayer by Rev. Father T. M. Major, of the Roman Catholic Church.

The reading of the journal of Saturday's proceedings was dispensed with.

Upon the call of counties and representative districts bills were introduced and referred as follows, viz.:

By Mr. Mueller:

H. B. 441. An act to amend section 1331, Kentucky Statutes, concerning the observance of the Sabbath day.

Referred to the Committee on Municipalities.

By same:

H. B. 442. An act to amend section 1303, Kentucky Statutes, concerning the observance of the Sabbath day.

Referred to the Committee on Municipalities.

By Mr. Denham:

H. B. 443. An act to promote the poultry industry.

Referred to the Committee on Agriculture.

A message was received from the Senate announcing that they had passed bills of the following titles, viz.:

1. S. B. 152. An act for additional improvements at the Kentucky Normal and Industrial Institute for Colored Persons.

2. S. B. 175. An act to amend section 78 of an act entitled, An act for the government of cities of the fourth class, approved June 28, 1893, said section being 3652 of the Kentucky Statutes, 1903, Caroll's edition.

3. S. B. 230. An act to appropriate five thousand dollars to assist the Kentucky State Development Association to develop the State of Kentucky.

Said bills were ordered printed and referred as follows:

1. To the Committee on Education No. 1.

2. To the Committee on Cities of the Fourth, Fifth and Sixth Classes.

3. To the Committee on Municipalities.

The House took up for consideration the unfinished business of Saturday, which was postponed until today, to-wit: A bill entitled:

H. B. 21. An act to provide for the care, custody and maintenance of court-houses, and court rooms, and offices therein, and public grounds adjacent thereto in counties having circuit courts of continuous session.

The motion of Mr. Klair to reconsider the vote by which said bill was ordered to its third reading was taken up and agreed to. (For bill and substitute see House Journal, March 6th.)

Mr. Klair moved to reconsider the vote by which the House agreed to the substitute heretofore proposed for said bill by the Committee on County and City Courts.

Said motion was agreed to.

Mr. Klair moved to amend said substitute by striking out section 4 thereof.

Said amendment was agreed to.

Mr. Simmons offered the following amendment to said substitute:

Amend by inserting in the second line of the substitute, after the words "the Second Class," the words "wherein all terms of the circuit court are held at the county seat."

Said amendment was agreed to.

Mr. C. C. Patrick offered the following amendment to said substitute:

Amend section 1 of substitute for House bill No. 21 by adding at the end of said section the following words: Provided, that the fiscal courts shall not appropriate a sum greater than seven thousand dollars yearly for such purposes.

Said amendment was disagreed to.

The yeas and nays being required on agreeing to said amendment by Messrs. C. C. Patrick and Haswell were as follows, viz.:

Those who voted in the affirmative were—

F. Pierce Blair,	John P. Haswell, Jr.,	G. W. Parrott,
W. N. Brown, Jr.	R. F. Hutchinson,	C. C. Patrick,
Albert Butler,	W. Harrison Isaacs,	Samuel J. Patrick,
W. A. B. Davis,	W. H. Jones,	G. L. Perryman,
Henry H. Denham,	Cleves G. Kinkead,	R. S. Rector,
J. A. Duff,	A. T. Knox,	Isaac G. Rice,
Thos. E. Finley,	A. T. Lee,	John T. Shanklin,
S. L. Givan,	Jasper D. Lowder,	Sawyer A. Smith,
R. L. Gwathmey,	J. B. Maynard,	Eugene W. Tandy,
C. W. G. Hannah,	Garfield Moore,	W. C. Wynn—30

Those who voted in the negative were—

Robert H. Anderson,	W. W. Hopkins,	J. A. Sloan,
O. P. Applegate	R. Dillard Hunter,	John L. Smith,
Louis W. Arnett,	J. H. Jackson,	J. A. Sullivan,
Elliott B. Beard,	W. F. Klair,	J. B. Swann,
J. W. Berkshire,	E. W. Lillard,	D. P. Taggart,
P. W. Berkshire,	Emanuel Meyer,	C. S. Templeman,
O. Houston Brooks,	H. L. Myers,	Wm. M. Thompson,
J. T. Buford,	Duncan Milliken,	Geo. C. Waggoner,
C. C. Chase,	Chris Mueller,	John P. Wallace,
Will J. Clay,	Jesse F. Nichols,	E. E. Wash,

Dr. C. F. Crecelius,
Wm. E. Dowling,
W. F. Edmunds,
F. E. Graves,
Robert L. Harris,
A. C. Oliver,
W. V. Perry,
J. F. Porter,
G. T. Reynolds,
W. H. Shanks,
Harry Weitkamp,
W. R. Whitlow,
J. Hal. Woodford,
—43

Said substitute as amended was then agreed to.

Ordered, that said bill as amended by said substitute be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson,
O. P. Applegate
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
J. T. Buford,
C. C. Chase,
J. Will Clay,
Dr. C. F. Crecelius,
John T. Davis,
Wm. E. Dowling,
W. F. Edmunds,
F. E. Graves,
C. W. G. Hannah,
Robert L. Harris,
W. W. Hopkins,
R. Dillard Hunter,
J. H. Jackson,
W. J. Jackson,
W. F. Klair,
W. L. Kimbrough,
E. W. Lillard,
Hugh Mahin,
W. C. McChord,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Chris Mueller,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
W. H. Shanks,
J. A. Sloan,
John L. Smith,
John S. Steers,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
J. Hal. Woodford,
—52

Mr. Klair moved that the title of said bill be as follows:

An act to provide for the care, custody and maintenance of court houses, and the court rooms and offices therein, and the public grounds adjacent thereto in counties containing cities of the second class.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Haswell and S. A. Smith were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson,	W. W. Hopkins,	G. T. Reynolds,
O. P. Applegate	R. Dillard Hunter,	Isaac G. Rice,
Louis W. Arnett,	J. H. Jackson,	W. H. Shanks,
Elliott B. Beard,	W. J. Jackson,	J. A. Sloan,
J. W. Berkshire,	W. F. Klair,	John L. Smith,
P. W. Berkshire,	W. L. Kimbrough,	John S. Steers,
O. Houston Brooks,	E. W. Lillard,	J. W. Stump,
Frank J. Brown,	Hugh Mahin,	J. A. Sullivan,
J. T. Buford,	W. C. McChord,	J. B. Swann,
C. C. Chase,	Emanuel Meyer,	C. S. Templeman,
Will J. Clay,	H. L. Myers,	Wm. M. Thompson,
Dr. C. F. Crecelius,	Duncan Milliken,	Geo. C. Waggoner,
John T. Davis,	Chris Mueller,	John P. Wallace,
Wm. E. Dowling,	Jesse F. Nichols,	E. E. Wash,
W. F. Edmunds,	A. C. Oliver,	Harry Weitkamp,
John Feland,	W. V. Perry,	W. R. Whitlow,
F. E. Graves,	John C. Pirtle,	J. Hal. Woodford,
Robert L. Harris,	J. F. Porter,	—53

Those who voted in the negative were—

S. L. Givan—1

The House took up for consideration from the calendar the following bills:

S. B. 86. An act to amend an act entitled, An act to amend the charter of Bacon College and to amend an act entitled, An act to consolidate Kentucky University and Transylvania University, and to change the name of Kentucky University to Transylvania University.

S. B. 21. An act relating to registration in towns of the fifth and sixth classes, amending section 1486 of Kentucky Statutes by striking out the words "fifth" and "sixth."

H. B. 348. An act to require all corporations except foreign insurance companies formed under the laws of this or any other state, and doing business in this state, to have recorded in the office of the county clerk in the county in which its principal office or place of business is located, and to file a copy thereof with the Secretary of State, and fixing a penalty for violation thereof.

H. B. 351. An act to amend an act relating to revenue and taxation, approved March 15, 1906.

H. B. 208. An act making eight hours a legal day's work in and about the mines of the State.

H. B. 420. An act to permit the establishment of a brigade of naval militia.

Ordered, that said bills be severally read the second time.

The constitutional provision as to the second reading of said bills at length being dispensed with, said bills were severally read the second time by their titles.

Ordered, that said bills be placed in the orders of the day.

Mr. Dowling, of the Committee on Kentucky Statutes, to which the same had been referred, reported a bill entitled:

H. B. 274. An act to regulate the government of incorporated

districts organized and existing under special acts of this Commonwealth that have not less than one million dollars of assessed valuation in the districts.

Said bill was read the first time at length and ordered to be placed on the calendar.

At 1:30 p. m. the House took up for consideration the special order of the day, to-wit: A bill entitled:

H. B. 32. An act defining the crime of abortion and prescribing a penalty therefor.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any person with intent to produce or promote a miscarriage or abortion, advises, gives, sells or administers to a woman (whether actually pregnant or not), or who with such intent procures or causes her to take any drug, medicine, or article, or uses upon her or advises to or for her the use of any instrument or other method or device to procure a miscarriage or abortion (unless same is necessary to preserve her life or that of her unborn child in either of which cases, same must be prescribed, given and administered to and used upon her by a duly licensed and registered physician). and shall in the event of the death of any woman so advised or any quick child whereof she may be pregnant, be deemed guilty of murder and the punishment fixed at death or confinement in the penitentiary for life; and in case no such death ensue, such person shall be guilty of the felony of abortion, and upon conviction be punished by imprisonment in the penitentiary for not less than two nor more than ten years.

Section 2. Any practitioner of medicine or surgery, upon conviction of any such offense, as is above defined, shall be subject to Health in its discretion.

Ordered that said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson,
O. P. Applegate
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
J. A. Duff,
W. F. Edmunds,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
John P. Haswell, Jr.,
W. W. Hopkins,
R. Dillard Hunter,
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
W. F. Klair,
W. L. Kimbrough,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Chris Mueller,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman.
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
W. H. Shanks,
John T. Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Tempieman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. C. Wynn,
J. Hal. Woodford,
—73

Those who voted in the negative were—

O. Houston Brooks, Wm. E. Dowling, C. W. G. Hannah, Robert L. Harris—4

Resolved, That the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 150. An act to repeal or re-enact subdivisions 1 and 2 of Article XV of Chapter 46 Kentucky Statutes, entitled Exempted Property, the sections being repealed being sections 1697, 1699, 1700, 1702 of said statutes.

Mr. Simmons moved that said bill be recommitted to the Committee on Kentucky Statutes, with instructions to report tomorrow at 11 o'clock.

Said motion was agreed to.

Mr. Arnett, of the Committee on Rules, which had originated same, reported a bill of the following title:

H. B. 444. An act prescribing further duties of the Chief Clerks of the Senate and House of Representatives and providing compensation therefor.

Said bill was read the first time at length, ordered to be printed and placed on the calendar.

Mr. Simmons moved that a bill entitled:

H. B. 69. An act to prevent the operation of pool rooms in the Commonweatlh of Kentucky:

Be transferred from the Committee on State Fair to the Committee on Judiciary.

Said motion was agreed to.

Said bill was delivered to the Clerk and by him delivered to the chairman of the Committee on Judiciary.

And then the House adjourned.

TUESDAY, MARCH 10, 1908.

The Chief Clerk produced and read the following communication, viz.:

Frankfort, Ky., March 10, 1908.

James E. Stone,
Chief Clerk House of Representatives.

You will please note on the Journal of the House that I have designated Hon. J. A. Sullivan to act as Speaker pro tem of the House of Representatives for today and during my absence, or until I shall have designated some one else.

W. J. GOOCH,
Speaker of the House of Representatives.

The House was opened with prayer by Rev. W. E. Simms, of the Methodist Episcopal Church, South.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Arnett suggested that the Hon. S. Albert Shanklin, Repre-

sentative-elect from the county of Mason, having been chosen and elected as such on the 7th day of March, 1908, to fill the vacancy occasioned by the death of the Hon. Virgil McKnight, late Representative from said county, was present in the House.

Thereupon the said S. Albert Shanklin appeared at the bar of the House, produced his certificate of election as Representative as aforesaid, and having taken the oath prescribed by law, took his seat as a member of this House.

A message was received from the Senate announcing that they had passed a bill which originated in the House entitled:

H. B. 105. An act to amend sections 683 and 684, Kentucky Statutes.

That they had passed bills of the following titles:

1. S. B. 79. An act to amend section 2 of an act entitled, An act to regulate burial associations, corporations and companies doing business in the State of Kentucky, which act became a law March 24, 1906, without the approval of the Governor.

2. S. B. 110. An act to amend an act amending section 965 of the Kentucky Statutes which relates to the time of holding courts in the 12th judicial district, approved March 21, 1906.

3. S. B. 190. An act providing vacations for guards at the penitentiaries and houses of reforms.

4. S. B. 197. An aca to amend an act entitled, An act creating a State Board of Agriculture, Forestry and Immigration, specifying its duties thereof and appropriating money therefor.

5. S. B 206. An act to amend section 963 of the Kentucky Statutes with reference to the time of holding circuit courts in the various counties in the first judicial district of Kentucky.

6. S. B. 218. An act further regulating companies authorized to write fire, fire and marine, marine and tornado insurance in this State and providing penalties for rebating.

7. S. B. 236. An act fixing the time of holding circuit courts in the sixth district.

8. S. B. 249. An act to establish and maintain Public Libraries.

9. S. B. 254. An act for the benefit of the Kentucky School for the Deaf.

10. S. B. 266. An act to amend section 2783, chapter 89, of the Kentucky Statutes.

Said bills were ordered printed and referred:

1 and 10 to the Committee on Municipalities.
2, 5 and 7 to the Committee on Circuit Courts.
3 to the Committee on Immigration and Labor.
4 to the Committee on Agriculture.
6 to the Committee on Insurance.
8 to the Committee on Education No. 1.
9 to the Committee on Charitable Institutions.

Mr. Steers, of the Committee on Enrollments, reported that they had examined and found correctly enrolled bills of the following titles:

H. B. 101. An act to amend section 3 of an act of the General Assembly of the Commonwealth of Kentucky, approved March 21, 1906, entitled, An act permitting persons to combine or pool their crops of wheat, tobacco and other products and sell same as a whole, and making contracts in pursuance thereof valid, being chapter 117 of the acts of the General Assembly of the Commonwealth of Kentucky for the year 1906.

H. B. 103. An act to prevent the sale or transfer of personal property where the possession is in one person and the title thereto is vested in another.

H. B. 105. An act to amend section 683 and 684 of the Kentucky Statutes.

Thereupon all other business was suspended. Said bills were severally read at length and compared in open session, and the same being found correctly enrolled, the Speaker pro tem, in open session in the presence of the House affixed his signature thereto.

Ordered, that the Enrolling Clerk deliver the same to the Senate for like action on their part.

After a time the Enrolling Clerk delivered to the Chief Clerk of the House original and enrolled bills which had been signed by the President of the Senate of the following titles:

H. B. 36. An act amending an act entitled, "An act for the government of cities of the fourth class," approved June 28, 1893.

H. B. 44. An act to amend an act entitled, An act for the benefit of the Kentucky Children's Home Society.

H. B. 77. An act to define and regulate the assessment of stock in corporations incorporated under the laws of Kentucky and of other States and Territories of the United States.

H. B. 101. An act to amend section 3 of an act of the General Assembly of the Commonwealth of Kentucky, approved March 21, 1906, entitled, An act permitting persons to combine or pool their crops of wheat, tobacco and other products and sell same as a whole, and making contracts in pursuance thereof valid, being chapter 117 of the acts of the General Assembly of the Commonwealth of Kentucky for the year 1906.

H. B. 103. An act to prevent the sale or transfer of personal property where the possession is in one person and the title thereof is in another.

H. B. 105. An act to amend sections 683 and 684, Kentucky Statutes.

Ordered, that the Clerk deliver said enrolled bills to the Governor.

After a time he reported that he had discharged said duty.

The House took up for consideration from the calendar bills of the following titles:

H. B. 274. An act to regulate the government of incorporated districts organized and existing under special acts of this Commonwealth that have not less than one million dollars of assessed valuation in the districts.

H. B. 444. An act prescribing further duties of the Chief Clerks of the Senate and House of Representatives and providing compensation therefor.

Ordered, that said bills be severally read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with said bills were severally read the second time by their titles.

Ordered, that said bills be placed in the orders of the day.

A message was received from the Governor in writing as follows:
To the Senate and House of Representatives:

Gentlemen:—The expiration on March 8, 1908, of a large part of the insurance on the public buildings and contents, and the approaching expiration of the remainder of the insurance against fire, prompts me to call your attention to the fact that by the Act of March 24, 1906, page 493, section 350 of the Kentucky Statutes, which authorized the Custodian to insure public buildings, was amended by striking out the insurance, which it is believed leaves no provision for any insurance of any State buildings or contents, and indicated that the General Assembly at that time had decided not to further insure public buildings, and I believe that is the general policy of most of the States; but as many of these policies have run out and the others will run out soon, and it might be considered neglect of duty if the attention of the Gen-

eral Assembly was not called to it, without suggesting insurance but seeking the opinion of the General Assembly upon the subject, I wish to advise you that on March 8th of this year all of the insurance of $23.000.00 on the East Wing expired and there is no insurance now on that building or its contents. The furniture and fixtures were insured for $12,500.00, the electrotypes and plates for $5,000.00, the building for $10,000.00, law and miscellaneous printed books $2,500.00, vaults and elevator $2,000.00.

The old Capitol or middle building is insured for $6,000.00, $4,000.00 expiring April 20th, and $2,000.00 May 14th. The contents are insured, three policies of $2,375.00 each or $3,225.00 on the acts and law and miscellaneous books; $4,750.00 expiring April April 20th, $2,375.00 May 14th, $2,500.00 expiring March 30th on books, etc., and $50,000.00 composed of $2,500.00 expiring March 30th and $2,500.00 April 11th on transcripts, etc., and $2,500.00 expiring March 30th on furniture.

The west wing building is insured for $3,500.00; furniture and fixtures $750.00; law and miscellaneous books $2,500.00 all expired March 8th.

The Governor's Mansion was insured for $5,500.00, which expires March 8th and should not be renewed and there is $5,000.00 additional insurance expiring September 29, 1910, which is ample.

The Arsenal was insured in two policies, one for $3,500.00 and one for $4,000.00 or $7,500.00 in all expiring March 8th.

The facts are submittted for your consideration and such action as you shall deem wise. As far as I have been able to learn, there is no authority now for any State officer to insure any of this property, and unless the General Assembly decides to have it done, no insurance will be taken out or renewed. If it should be authorized, I would suggest that the resolution provide to insure the public property liable to destruction by fire to an amount not exceeding eighty per cent of its fair reasonable value.

The expense of moving the records and furniture from the old Capitol and offices to the new Capitol.

I believe that no provision has been made for the expense of moving the records and offices from the old Capitol to the new Capitol when it shall be finished, and it may be that the laws already in force would authorize this expenditure; but it is desirable to have it definitely authorized, and therefore request the General Assembly to appropriate the sum of $5,000.00 or so much thereof as may be necessary to pay the expenses of dusting and cleaning and arranging the old records and removing the records, furniture, etc. from the old Capitol to the new Capitol and put them in position there. I have no means of knowing exactly what this will cost and the expense will be made as reasonable as possible, but there is a great mass of papers to be removed and placed in order in the new Capitol, and it may be the expense will be more than $5,000.00, it may be much less, but it will be found a serious task to dust and clean the old records and move them in proper order to places where they can be found, and will require some experienced and capable help.

Mr. Amasa M. Eaton, President of the Conference of Commissioners on Uniform Laws, under date of March 2d, enclosed a proposed bill or resolution looking to the appointment of a commission to represent the State in a Conference of Commissioners from several States, to secure uniform laws on marriage and divorce, execution and probate of wills and other subjects of universal application which are not under the jurisdiction of Congress. I transmit the draft of the proposed bill, which is like bills in other States.

It seems desirable to promote uniformity of legislation on these subjects, which are of uniform interest to everybody; to make the law of these subjects easier for people to know, and it will tend to uniformity and certainty of understanding.

In case the General Assebly should pass a resolution of this kind, I should be very glad to carry it into effect. No commission is to receive any compensation for service, but shall be paid only actual traveling "and other necessary expenses" in the discharge of his official duty, after the account has been audited by the Board. I would suggest that it should be amended by inserting "actual," reasonable, necessary traveling expenses" and that the other expenses be eliminated, and all be subject to the approval of the Governor of the Auditor as the General Assembly may deem reasonable.

The one hundredth anniversity of the birth of Abraham Lincoln will occur on the 12th day of February, 1908, the General Assembly of the State of Illinois, on October 8, 1907, adopted a joint resolution of the House and Senate for the celebration of that anniversary in Springfield, Illinois, and authorized the Governor to appoint a commission of fifteen members to have charge of all arrangements for such celebration. The people of Kentucky love the memory of Abraham Lincoln as well as the people of his adopted State of Illinois, and steps have been taken to secure the farm where he was born and make it a permanent memorial to him.

I commend to your consideration the qeustion whether the General Assembly of Kentucky will leave to other States all of the care and honor that is to be paid to the name and glory of Kentucky's great son. I hope it will be deemed proper by the General Assembly to adopt a resolution authorizing the Governor to appoint a commission of such number as to the General Assembly shall deem best, to have charge of the arrangements for the celebration at his birthplace in Kentucky of the anniversity, and that an appropriation of a reasonable amount for the necessary expenses of the celebration will be authorized by the General Assembly.

I have no advice from the Lincoln Farm Association on which I can give more definite particulars as to the character of the exercises which may be held, and it is proper to say that while the State of Illinois has passed the joint resolution, the Governor has

not yet appointed the members of the Commission, nor has the appropriation been made, so that it is still in our power to be the first State to actually provide for celebration this great anniversary.

The name of Abrahom Lincoln is loved, revered and honored by all mankind in every civilized country of the earth. His memory is precious to all of us. His name and his glory belong to all the human race, but here in Kentucky where he was born we have a right to feel a special and particular interest in his record and his glory, in his greatness and his nobility of character, and I feel that I express the best that is in us all in asking the General Assembly of this old Commonwealth to provide for a suitable expression of the feeling of Kentucky and a fitting tribute to his memory. That we may, using the thought which he gave life to at Gettysburg, here consecrate and dedicate ourselves to continuing the work which he so nobly begun.

AUGUSTUS E. WILLSON,
Governor of Kentucky.

An act to establish a Board of Commissioners for the promotion of uniformity of Legislation in the United States.

It is enacted by the General Assembly as follows:

§1. Within thirty days after the passage of this act, the Governor shall appoint three suitable persons and they and their successors are hereby constituted "A Board of Commissioners for the Promotion of Uniformity of Legislation in the United States." Any vacancy in said Board by resignation, death or however otherwise arising, shall be filled by the appointment by the Governor of a suitable person.

§ 2. It shall be the duty of said Board to examine the subjects of marriage and divorce, insolvency, the descent and distribution of property, the execution and probate of wills and other subjects upon which uniformity of legislation in the various States and

Territories of the Union is desirable, but which are outside the jurisdiction of the Congress of the United States; to confer upon these matters which the Commissioner appointed by other States and Territories for the same purpose; to consider and draft uniform laws to be submitted for the approval and adoption by the several States; and generally to devise and recommend such other or further ocurse of action as shall accomplish the purposes of this act.

§ 3. The said Board of Comissioners shall keep a record of all its transaction, and shall, at the————————session of the Legislature and may at any other time, make a report of its doings and of its recommendations to the General Assembly.

§ 4. No member of said Board shall receive any compensation for his services, but each member shall be repaid from the State Treasury, the amount of actual reasonable necessary traveling (and other necessary) expenses incurred in the discharge of his official duty, after the account thereof has been audited by said Board, and said Board shall keep a full account of its expenditures and shall report it in each annual report.

§ 5. This act shall take effect upon its passage.

Which was received and read.

Mr. Arnett moved that said communication be referred to the Committee on Judiciary.

Said motion was agreed to.

Mr. Arnett, of the Committee on Rules, offered the following resolution:

Resolved, that the Enrolling Clerk of the House be, and she is authorized and directed to employ such assistance as may be necessary to enable her to have all House Bills promptly enrolled, ready for signing before final adjournment. The Auditor is hereby directed to draw his warrant upon the Treasurer in favor of such persons and for such amounts as the Enrolling Clerk may certify

as necessary and correct under the resolution, when the same is countersigned by the Chief Clerk.

Mr. Richardson moved that said resolution lie on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Richardson and Brooks were as follows, viz.:

Those who voted in the affirmative were—

O. P. Applegate	R. L. Gwathmey,	G. L. Perryman,
F. Pierce Blair,	John P. Haswell, Jr.,	R. S. Rector,
W. N. Brown, Jr.	W. Harrison Isaacs,	Isaac G. Rice,
Albert Butler,	W. J. Jackson,	Gus W. Richardson,
C. C. Chase,	T. C. Jackson,	John T. Shanklin,
Denver B. Cornett,	A. T. Knox,	S. Albert Shanklin,
John T. Davis,	Wm. S. Markolf,	Sawyer A. Smith,
W. A. B. Davis,	J. B. Maynard,	J. B. Swann,
Henry H. Denham,	H. L. Myers,	Geo. C. Waggoner,
Thos. E. Finley,	G. W. Parrott,	E. E. Wash,
S. L. Givan,	Samuel J. Patrick,	W. C. Wynn.

—33

Those who voted in the negative were—

Robert H. Anderson,	W. F. Klair,	H. A. Schoberth,
A. A. Allphin,	W. L. Kimbrough,	W. H. Shanks,
Louis W. Arnett,	Cleves G. Kinkead,	Robert C. Simmons,
Elliott B. Beard,	E. W. Lillard,	J. A. Sloan,
J. W. Berkshire,	Jasper D. Lowder,	John L. Smith,
P. W. Berkshire,	Hugh Mahin,	John S. Steers,
Frank J. Brown,	W. C. McChord,	J. W. Stump,
J. T. Buford,	Emanuel Meyer,	J. A. Sullivan,
Dr. C. F. Crecelius,	Duncan Milliken,	Eugene W. Tandy,
W. F. Edmunds,	Jesse F. Nichols,	C. S. Templeman,
F. E. Graves,	A. C. Oliver,	Wm. M. Thompson,
C. W. G. Hannah,	W. V. Perry,	John P. Wallace,

Robert L. Harris,	John C. Pirtle,	W. R. Whitlow,
W. W. Hopkins,	J. F. Porter,	Geo. S. Wilson,
R. Dillard Hunter,	G. T. Reynolds,	J. Hal. Woodford,

—45

Said resolution was then agreed to.

The hour of 11 o'clock having arrived, Mr. Dowling, of the Committee on Kentucky Statutes, to which the same had been recommended, reported a bill entitled:

H. B. 150. An act to repeal or re-enact sub-divisions 1 and 2 of article 15 of Chapter 46 of Kentucky Statutes, entitled "Exempted Property," the sections being repealed being sections 1697, 1698, 1699, 1700 and 1702 of said Statutes:

The bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The subdivisions 1 and 2 of article XV of chapter 46 of the Kentucky Statutes entitled "Exempted Property" and the same being sections 1697, 1698, 1699, 1700, 1702 and any other of said Statutes in conflict with this act, be and the same are hereby repealed and when re-enacted will read as follows:

§ 2. The following property of persons with a family resident in this Commonwealth shall be exempt from execution, attachment, distress or free-bill, namely:

Such household and kitchen furniture, including beds, bedding, carpets, stoves, washing apparatus, sewing machines, chairs, tables, portraits, and books used by the family, wearing apparel, provisions on hand, including breadstuffs and animal food; and real estate, as the person entitled to claim an exemption shall select not to exceed in value the sum of Five Hundred Dollars: Provided, that real estate not occupied as a homestead shall not be subject to the exemp-

tions provided by this article: And in no event shall the exemption, including real estate and personal estate, exceed in value the sum of Five Hundred Dollars.

§ 3. Before a sale under execution, attachment or judgment of land occupied as a homestead, the officer in whose hands the writ or judgment may be shall cause such part thereof which may be selected by the defendant, and shall not exceed in value Five Hundred Dollars, to be valued under oath, and set apart to him by two disinterested housekeepers of the county, not related to either party, to be selected by the Court or officer; and in case they disagree, the officer making the sale shall act as umpire.

The valuation so made shall be in writing, signed by the persons making it and returned to the Court directing it, or with the execution; and the officer must refer to and explain the proceedings in his return on the execution, which shall be recorded in full.

§ 4. Where the defendant in the execution, attachment or action owns real estate, which is levied on or sought to be subjected to the payment of any debt or liability, and the same, in the opinion of the appraisers, is of greater value than Five Hundred Dollars and not divisible without diminution of its value, then the same shall be sold under the execution, attachment or judgment, and Five Hundred Dollars of the money arising from the sale shall be paid to the defendant to enable him to purchase another homestead. But there shall be no sale if the land, when offered, does not bring more than Five Hundred Dollars.

§ 5. No mortgage, release or waiver of such exemptions shall be valid unless the same be in writing, subscribed by the defendant and his wife, and acknowledged and recorded in the same manner as conveyances of real estate; and such exemption in favor of an execution debtor, or one against whom judgment has been rendered, shall continue after his death for the benefit of his widow and children, but shall be estimated in allotting dower.

§ 6. The homestead shall be for the use of the widow so long as she occupies same, and the unmarried infant children of the husband shall be entitled to a joint occupancy with her until the youngest unmarried child arrives at full age. But the termination of the widow's occupancy shall not affect the right of the children; but said land may be sold subject to the right of said widow and children, if a sale is necessary to pay the debts of the husband.

§ 7. The homestead of a woman shall, in like manner, be for the use of her surviving husband and her children, situated as above, and when his and their interest ceases, it shall be disposed of in like manner and the proceeds applied on the same terms to her debts; if none, divided among her children.

§ 8. This act shall not effect debts or liabilities created prior to the time when the same shall take effect.

Mr. McChord moved that said bill lie on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Harris and Hannah were as follows, viz.:

Those who voted in the affirmative were—

Elliott B. Beard,
O. Houston Brooks,
Albert Butler,
Dr. C. F. Crecelius,
W. F. Edmunds,
S. L. Givan,
R. L. Gwathmey,
John P. Haswell, Jr.,
W. W. Hopkins,
R. Dillard Hunter,
W. Harrison Isaacs,
W. J. Jackson,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
John L. Smith,
Sawyer A. Smith,
J. B. Swann,
C. S. Templeman,
John P. Wallace,
E. E. Wash,
W. C. Wynn,
Geo. S. Wilson—35

Those who voted in the negative were—

Wm. E. Dowling,
Robert H. Anderson,
Louis W. Arnett,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
W. N. Brown, Jr.
J. T. Buford,
C. C. Chase,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Thos. E. Finley,
F. E. Graves,
C. W. G. Hannah,
Robert L. Harris,
T. C. Jackson,
W. F. Klair,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Samuel J. Patrick,
O. L. Perryman,
Isaac G. Rice,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
S. Albert Shanklin,
Robert C. Simmons,
J. A. Sloan,
John S. Steers,
J. W. Stump,
J. A. Sullivan,
Eugene W. Tandy,
Wm. M. Thompson,
Geo. C. Waggoner,
W. R. Whitlow,
J. Hal. Woodford,
—45

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution, were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Robert H. Anderson,
O. P. Applegate
Louis W. Arnett,
J. W. Berkshire,
F. Pierce Blair,
W. N. Brown, Jr.
C. C. Chase,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Wm. E. Dowling,
C. W. G. Hannah,
T. C. Jackson,
W. F. Klair,
E. W. Lillard,
Gus W. Richardson,
H. A. Schoberth,
J. A. Sloan,
J. W. Stump,
Eugene W. Tandy,
Wm. M. Thompson,
Geo. C. Waggoner,
Harry Weitkamp,

H. K. Cole, H. L. Myers, J. Hal. Woodford,
Denver B. Cornett, Duncan Milliken, —29

Those who voted in the negative were—

Elliott B. Beard, W. J. Jackson, J. F. Porter,
O. Houston Brooks, W. L. Kimbrough, R. S. Rector,
J. T. Buford, Cleves G. Kinkead, G. T. Reynolds,
Albert Butler, A. T. Knox, Isaac G. Rice,
W. A. Cope, A. T. Lee, S. Albert Shanklin,
Dr. C. F. Crecelius, Jasper D. Lowder, Robert C. Simmons,
Thurman B. Dixon, Hugh Mahin, John L. Smith,
W. F. Edmunds, Wm. S. Markolf, Sawyer A. Smith,
Thos. E. Finley, J. B. Maynard, John S. Steers,
S. L. Givan, W. C. McChord, J. A. Sullivan,
F. E. Graves, Emanuel Meyer, J. B. Swann,
R. L. Gwathmey, Jesse F. Nichols, C. S. Templeman,
Robert L. Harris, A. C. Oliver, John P. Wallace,
John P. Haswell, Jr., G. W. Parrott, E. E. Wash,
W. W. Hopkins, Samuel J. Patrick, W. R. Whitlow,
R. Dillard Hunter, W. V. Perry, W. C. Wynn,
W. Harrison Isaacs, G. L. Perryman, Geo. S. Wilson—53
J. H. Jackson, John C. Pirtle,

And so said bill was rejected.

Mr. Wilson moved that the vote by which the House refused to pass said bill be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

Mr. Edmunds, of the Committee on Classification of Cities and Towns, to which the same had been referred, reported a bill entitled:

H. B. 106. An act to amend an act entitled, An act to amend an act entitled, An act to assign the cities and towns of this Com-

monwealth to the classes to which they belong, approved March 21, 1906.

With amendments thereto.

Said bill was read the first time at length and ordered to be placed on the calendar.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 309. An act to prevent the selling of horses and mules known as "bulls" or "chokers."

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. If any person shall knowingly sell or trade to another a horse or mule known and designated as a "bull" or "choker," without notifying him of such affliction, and thereby deceiving or defrauding him, he shall be guilty of a felony, and on conviction shall be confined in the penitentiary not less than one or more than five years.

Mr. Richardson offered the following amendment to said bill: "Amend by adding after the word 'choker' the words 'or afflicted with heaves.'"

Said amendment was agreed to.

Mr. Beard offered the following amendment:

Amend by striking out the word "felony" and insert in lieu thereof the word "misdemeanor," and strike out the words "confined in the penitentiary not less than one nor more than five years" and insert in lieu thereof the words "fined not exceeding $500 or confined in the county jail not exceeding six months, or both so fined and imprisoned."

Said amendment was agreed to.

Ordered, that said bill as amended be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title, and as amended was passesd.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,
Robert H. Anderson,
O. P. Applegate
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
W. A. Cope,
Dr. C. F. Crecelius,
W. A. B. Davis,
Thurman B. Dixon,
Thos. E. Finley,
S. L. Givan,
Robert L. Harris,
John P. Haswell, Jr.,
W. W. Hopkins,
R. Dillard Hunter,
W. Harrison Isaacs,
J. H. Jackson,
T. C. Jackson,
W. L. Kimbrough,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
H. L. Myers,
Duncan Milliker,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
S. Albert Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford,

—73

Those who voted in the negative were—

Henry H. Denham,

Mr. Milliken offered the following amendment to the title of said bill:

After the word "chokers" add the words "or afflicted with heaves" and fixing the penalty therefor.

Said amendment was agreed to.

Resolved, that the title thereof be as follows:

An act to prevent the selling of horses and mules known as bulls and chokers or afflicted with heaves, and fixing the penalty therefor.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 143. An act to amend an act entitled, An act entitled, An act to amend section 4315, Kentucky Statutes being Chapter 110 of the Kentucky Statutes, approved March 21, 1906.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section four thousand three hundred and fifteen of the Kentucky Statutes, approved March 21, 1906 be amended by striking out all of the words in said section, beginning with the words "At the Court House door" in the third line of said section and ending with the words "At all times in good order for travel and transportation" in the twenty-second line of said section and

substituting in lieu thereof the following, "Or if there is no supervisor, the County Judge to advertise for three weeks in succession in some newspaper of general circulation in his county or by written or printed notices posted up in three or more conspicious places in each voting place in said county just preceding the regular monthly meeting of the Fiscal Court in January in each year that the Fiscal Court will receive bids to let out to the lowest and best bidder (who shall give bond with surety approved by said Court) the working and keeping in repair of all roads in said county for a term of not less than one or more than four years, not however including in such letting roads previously contracted for. Said work shall be done as prescribed in bonds of contractors, the Fiscal Court reserving the right to annul any and all contracts, with contractors when the terms of the contract are not fully complied with.

The Fiscal Court shall also let out at such times needed and on reasonable (printed or written) notice, the building and repairing of all such bridges, and culverts as are not embraced in the contract for working roads. It shall be the duty of the supervisor to superintend the opening, widening and changing of roads, superintend the erection of gates on public roads, to inspect new roads and alteration in the roads and report the same to the Fiscal Court when and in the manner directed by said Court and to see that all roads and bridges are kept clear of obstructions and at all times in good order for travel and transportation."

And adding after the word "Oversee" in the fifty-eighth line of said section the words "And in the magisterial districts where no overseer has been appointed or employed, it shall be the duty of the magistrate in said district to oversee."

So that section, when amended, will read as follows:

§ 4315. Supervisor—Duty and Power of Letting Roads to Contractor—Fiscal Court—County Judge—in counties wherein roads are worked by taxation it shall be the duty of the supervisor, or if

there is no supervisor, the County Judge, to advertise for three weeks in succession in some newspaper of general circulation in his county or by written or printed notices posted up in three or more conspicious places in each voting place in said county just preceding the regular monthly meeting of the Fiscal Court in January in each year, that the Fiscal Court will receive bids to let out to the lowest and best bidder (who shall give bond with surety approved by said Court) the working and keeping in repair of all roads in said county for a term of not less than one mor more than four years, not however including in such letting roads previously contracted for. The said work shall be done as prescribed in bond of contractors, the Fiscal Court reserving the right to annul any and all contracts made with contractors, when the terms of the contracts are not fully complied with.

The Fiscal Court shall also let out at such times needed and on reasonable (printed or written) notice, the building and repairing of all such bridges, and culverts as are not embraced in the contracts for working road. It shall be the duty of the supervisor to superintend the opening, widening and changing of roads, superintend the erection of gates on public roads, to inspect new roads and alterations in the roads and report the same to the Fiscal Court when and in the manner directed by said Court and to see that all roads and bridges are kept clear of obstructions and at all times in good order for travel and transportation. Povided that for the purposes enumerated, the fund raised under this act, and which may be otherwise raised by the levy court shall be sufficient, and if not sufficient, then it is to be used at such places and for such purposes as the supervisor, under the general directions of said court, may deem proper; and the court in giving such directions shall have due regard for the public good and to wants of the different parts of the county. The said Court shall provide a period in each year within which the leveling and grading of roads shall be done, but said period shall not extend beyond the first of November in any year. It shall be the duty of the supervisor to report in writing to the Judge of the

County Court all failures of contractors to comply with their contracts in regard to roads or bridges, and to appear and prosecute in all proceedings against such delinquents so reported by him. The supervisor, with the consent of the County Judge, may designate certain roads or parts of roads that are not to be let out as hereinbefore required, but which are to be worked and kept in repair, either by special contracts privately made, or by hands and teams hired by him, or by delinquent taxpayers, or by persons sentenced to labor, or who, by law, may be liable to work out fines imposed by juries or courts. But it shall be the duty of the supervisor to return to the County Court at its November term in each year, a descriptive list of such roads, which shall be recorded in his order book, and also to report in writing all hands and teams hired, and amounts paid for same, and the length of time and where employed; and also a similar report of the names of delinquents who work, the places where, and the length of time and names of persons working out fines or sentences on the roads. And it shall be the further duty of the supervisor to supervise said work, and to employ competent persons to oversee, and in the magisterial districts where no overseer has been appointed or employed it shall be the duty of the magistrate in said district to oversee, and he may, if necessary, put ball and chains on convicts to prevent their escape. Such overseers and persons hired as herein provided are to be paid out of the road fund or county levy in the discretion of the fiscal court. Delinquent taxpayers shall be put on roads convenient to their places of residence, and shall be allowed credit at the rate of one dollar for each full day's work; Provided, however, That the fiscal court of any county wherein roads are worked by taxation, may, instead of appointing a supervisor, authorize the county judge to let out the working of the roads and the building and repairing of bridges, and to take and approve the bonds hereinbefore required. In such cases the other powers herein conferred and duties imposed upon the supervisor shall be exercised and discharged by the road overseers in their respective precincts; And, provides further, That the county court may

in its discretion, appoint a special commissioner to receive new roads and alterations in roads: And, provided further, That in cases where, under the provisions of this section, the supervisor with the consent of the county judge, is authorized to designate certain roads that are not to be let out as hereinbefore required, but which are to be worked and kept in repair by special contracts by hired hands, by delinquent taxpayers or persons sentenced to labor. The county judge (there being no supervisor in the county) shall have authority, and it shall be his duty to do everything in relation thereto, that the supervisor could have done without his consent, and may appoint some competent person or persons to superintend and carry on said work."

§ 2. Whereas, great good will be accomplished in many counties of this Commonwealth by reason of this amendment, therefore an emergency is hereby declared to exist, and this act shall become a law from and after its passage and approval by the Governor.

Mr. Klair offered the following amendment to said bill:

Amend by striking out the words "three weeks" wherever they occur and insert in lieu thereof the words "fifteen days" and strike out the word "January" wherever it occurs and insert the word "April."

Said amendment was agreed to.

Ordered, That said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin, W. Harrison Isaacs, Isaac G. Rice,

Robert H. Anderson,	J. H. Jackson,	H. A. Schoberth,
O. P. Applegate	W. F. Klair,	W. H. Shanks,
Louis W. Arnett,	A. T. Knox,	S. Albert Shanklin,
J. W. Berkshire,	A. T. Lee,	Robert C. Simmons,
P. W. Berkshire,	E. W. Lillard,	J. A. Sloan,
F. Pierce Blair,	Jasper D. Lowder,	John L. Smith,
J. T. Buford,	Hugh Mahin,	John S. Steers,
C. C. Chase,	W. C. McChord,	J. W. Stump,
Dr. C. F. Crecelius,	Emanuel Meyer,	J. A. Sullivan,
W. A. B. Davis,	H. L. Myers,	J. B. Swann,
Thurman B. Dixon,	Jesse F. Nichols,	Eugene W. Tandy,
Wm. E. Dowling,	G. W. Parrott,	C. S. Templeman,
W. F. Edmunds,	Samuel J. Patrick,	Wm. M. Thompson,
Thos. E. Finley,	W. V. Perry,	Geo. C. Waggoner,
S. L. Givan,	G. L. Perryman,	John P. Wallace,
F. E. Graves,	John C. Pirtle,	E. E. Wash,
C. W. G. Hannah,	J. F. Porter,	Harry Weitkamp,
W. W. Hopkins,	R. S. Rector,	W. R. Whitlow,
R. Dillard Hunter,	G. T. Reynolds,	Geo. S. Wilson —61

Those who voted in the negative were—

John T. Shanklin, C. C. Patrick—2

Resolved, That the title thereof be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 120. An act to amend section 1308 of the Kentucky Statutes.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1308 of the Kentucky Statutes be amended by striking therefrom the words, "at random," and inserting in lieu thereof the words, "except in self-defense or in defense of property;" so that said section, when amended, will read as follows:

"If any person shall draw a deadly weapon upon another, or shall point any deadly weapon at another, or shall hold or flourish, or use in threatening or boisterous manner, or shall, on a public highway, or at any school assembly, place of public worship or business, or on going to or from any place of public worship fire or discharge, except in self defense or defense of property, a deadly weapon, he shall be deemed guilty of a misdemeanor, whether said weapon be loaded or unloaded; and, upon conviction he shall be fined not less than fifty nor more than one hundred dollars or imprisoned not less than ten nor more than fifty days, or both."

Mr. Simmons offered the following amendment to the bill:

Amend by inserting after the word "property" in said bill the following: "And by inserting the words 'whether said weapon be loaded or unloaded' after the word 'flourished' and by striking out said words in the latter part of said section." "And by inserting the words 'whether said weapon be loaded or unloaded' after the word 'flourish' in the sixth line of said bill, and by striking out said word in lines 11 and 12 of said bill."

Said amendment was agreed to.

Ordered, That said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Robert H. Anderson,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
H. K. Cole,
W. A. Cope,
Dr. C. F. Crecelius,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
R. L. Gwathmey,
John P. Haswell, Jr.,
W. W. Hopkins,
R. Dillard Hunter,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
T. C. Jackson,
W. F. Klair,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
Hugh Mahin,
J. B. Maynard,
W. C. McChord
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Jesse F. Nichols,
G. W. Parrott,
C. C. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
Gus W. Richardson,
H. A. Schoberth,
John T. Shanklin,
S. Albert Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
John S. Steers,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford,
—70

Resolved, That the title thereof be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 255. An act to fix certain duties of the Superintendent of Public Instruction and to make provisions for the payment of his traveling expenses.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction shall visit each county in the State at least once during his term of office, and as much oftener as necessary and practicable; to inspect the books and records of the County Superintendent of Schools; to inquire into his management of the school affairs of the county; to visit such schools of the county as may be desirable, in order to inform himself with reference to the conditions under which the schools are operating, and to conduct a general campaign in the interest of better schools.

§ 2. He shall receive for traveling and other actual and necessary expenses, while traveling on the business of the department, a sum not exceeding two thousand dollars per annum, and an appropriation of that amount is hereby made for that purpose, annually.

§ 3. An act entitled "An act to provide for paying the expenses of the State Superintendent, when visiting different parts of the State, in the interest of education," approved March 16, 1906, is hereby repealed.

§4. Whereas, An emergency exists, therefore, this act shall take effect and be in force upon its passage and approval.

Ordered, That said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

O. P. Applegate
F. Pierce Blair,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
H. K. Cole,
W. A. Cope,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
Thos. E. Finley,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.,
W. Harrison Isaacs,
J. H. Jackson,
T. C. Jackson,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
J. B. Maynard,
Emanuel Meyer,
H. L. Myers,
G. W. Parrott,
G. L. Perryman,
R. S. Rector,
Isaac G. Rice,
John T. Shanklin,
J. A. Sloan,
Sawyer A. Smith,
John S. Steers,
J. A. Sullivan,
Geo. C. Waggoner,
John P. Wallace,
W. C. Wynn—37

Those who voted in the negative were—

A. A. Allphin,
Robert H. Anderson,
Louis W. Arnett,
Elliott B. Beard,
P. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
Dr. C. F. Crecelius,
W. F. Edmunds,
S. L. Givan,
F. E. Graves,
W. W. Hopkins,
R. Dillard Hunter,
W. J. Jackson,
W. F. Klair,
A. T. Lee,
W. C. McChord,
Duncan Milliken,
A. C. Oliver,
C. C. Patrick,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
Gus W. Richardson,
W. H. Shanks,
S. Albert Shanklin,
John L. Smith,
J. W. Stump,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
Geo. S. Wilson,
J. Hal. Woodford,
—39

And so said bill was rejected.

Mr. Milliken moved to reconsider the vote by which the House refused to pass said bill.

The hour of 1:30 o'clock, p. m. having arrived, the House stood adjourned.

AFTERNOON SESSION.

At 3 o'clock p. m. the House met according to a resolution heretofore passed.

The committee to which the same had been referred reported bills of the following titlse:

By Mr. Crecelius, of the Committee on Public Health:

S. B. 121. An act to amend section 2054, chapter 63, of the Kentucky Statutes, relating to the State Board of Health.

By Mr. Graves, of the Committee on County and City Courts:

S. B. 103. An act to provide for an annual school of county and city health officers and to provide for the conduct and expenses of the same.

Said bills were read the first time at length and ordered to be placed on the calendar.

A message was received from the Senate announcing that they had passed bills of the following titles:

1. S. B. 10. An act to provide for the location, erection, organization and management in Kentucky of a State Sanatorium for the care and treatment of tuberculosis, and making an appropriation for the purchase of the necessary land, and the construction and equipment of necessary buildings, and making an appropriation for the maintenance of the Sanatorium.

2. S. B. 139. An act to fix certain duties of the Superintendent of Public Instruction and to make provision for the payment of his traveling expenses.

Said bills were ordered to be printed and referred:

1. To the Committee on Public Health.

2. To the Committee on Education No. 2.

The House took up for consideration from the orders of the day, a bill entitled:

H. B. 387. An act to amend an act entitled, An act to amend and re-enact an act continuing the State Dental Association and regulating the practice of dentistry in this Commonwealth, approved March 17, 1904.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

"An act to amend and re-enact an Act continuing the State Dental Association and defining the duties of said Association and regulating the practice of dentistry in this State," approved March 17, 1904, be amended by adding thereto the following sections, which shall be known as sections 2641-A and 2641-B, Kentucky Statutes and shall follow Section 2641 of the Kentucky Statutes.

§ 2641-A. It shall be unlawful for any person or persons to practice or offer to practice dentistry or dental surgery under the name of any company, association or corporation, but any person or persons practicing or offering to practice dentistry or dental surgery shall practice under their own respective name or names. Each and every person in an office practicing or offering to practice dentistry or dental surgery, shall have his or her State Board certificate displayed in plain view in the operating room.

§ 2641-B. The State Board of Dental Examiners may refuse to issue certificates to the matriculates without examination, provided for in Section 2641, Kentucky Statutes, and may refuse to issue the Certificates provided for in this Act, or may suspend or revoke a certificate already issued for any of the following causes:

1st. The presentation to the Board of any Diploma, License or Certificate illegally or fraudulently obtained, or one obtained from an institution which is not reputable, or an unrecognized or irregular Institution or State Board; or the practice of fraud or deception in passing an examination.

2d. The commission of a criminal operation or conviction of a felony involving moral turpitude, or chronic or presistent inebriety or addition to drugs, or who shall advertise or offer to use or use any drug, nostrum, patent or proprietary drug or medicine of any unknown formula, or engage in any grossly unprofessional conduct likely to deceive or defraud the public, or which disqualifies the applicant to practice with safety to the people. . . .

In all proceedings for a suspension or revocation of the Certificate under this Act, the holder shall be given thirty days notice to prepare for a hearing, and he shall be heard in person or by counsel or by both. The President and Secretary of the State Board of Dental Examiners shall have the power to administer oaths, and in such hearing and all matters arising in the course of their duties, the State Board of Dental Examiners may take oral or written proof for or against the complainant, as it may deem will best protect the facts. In all cases of refusal, suspension or revocation, the applicant or holder may appeal to any court of proper jurisdiction.

Mr. Crecelius offered the following amendment to said bill.

Insert after the word "corporation" in line 3 of section 2641-A the words "excepting those who have been in actual business fifteen years or more."

Said amendment was agreed to.

Ordered, that said bill as amended be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Robert H. Anderson,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
W. F. Edmunds,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
R. L. Gwathmey,
C. W. G. Hannah,
John P. Haswell, Jr.,
R. Dillard Hunter,
W. Harrison Isaacs,
J. H. Jackson,
T. C. Jackson,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
H. L. Myers,
Duncan Milliken,
Garfield Moore
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
Samuel J. Patrick,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
S. Albert Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
W. H. Strange,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,

—74

Resolved, That the title thereof be as aforesaid.

Mr. Steers, of the Committee on Enrollments, reported that they had examined and found correctly enrolled bills which originated in the Senate of the following titles:

S. B. 83. An act to accept the provisions of an act passed by the Congress of the United States and approved March 16, 1906, to provide for an increase of annual appropriation for Agricultural Experiment Stations and regulating the expenditures thereof.

S. B. 108. An act relating to assessment of property for taxation.

Thereupon all other business was suspended and said bills were severally read and compared in open session, and being found correctly enrolled the Speaker pro tem. in open session and in the presence of the House affixed his signature thereto.

Ordered, That the Enrolling Clerk deliver said original and enrolled bills to the Clerk of the Senate.

The House took up for consideration from the orders of the day, a bill entitled.

H. B. 2. An act to repeal an act entitled, An act to promote the sheep industry and provide a tax on dogs, approved March 1, 1906.

Together with an amendment by way of substitute proposed thereto by the Committee on Revenue and Taxation.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An act to promote the sheep industry and provide a tax on dogs," which was approved March 1, 1906, which is chapter 10, of the session acts of 1906, be, and the same is hereby repealed.

§ 2. Whereas, the property assessors, for the various counties in the State, have already taken the lists of the tax-payers and therefore the various sheriffs in the State will be charged with the collection of the dog tax for the year 1908, an emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval, and the Auditor of Public Accounts, is hereby directed to notify each sheriff in the State not to collect said dog tax for said year 1908.

The said substitute as proposed by the Committee on Revenue and Taxation is as follows:

An act to amend an act, entitled:

An act to promote the sheep industry and provide a tax on dogs, approved March 1, 1906.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act entitled "An act to promote the sheep industry and provide a tax on dogs," approved March 1, 1906, be and the same is hereby amended as follows, to-wit:

That section one of said act be amended by inserting therein after the words "affix any value thereto he wishes" in the 5th and 6th lines thereof the words "and provided further that each householder may keep one dog over four months of age without listing same for taxation or paying any tax on same" so that said section, when so amended shall read as follows:

§ 1. Each year every dog over four months old shall be listed for taxation as herein provided, either by the owner or by the assessor in the name of the owner, without fixing any valuation thereto. Provided, the owner may, if he so desires, affix any value, thereto he wishes, and provided further that each householder may keep one dog over four months of age without listing same for taxation or paying any tax on same. Every person

who keeps or harbors a dog, or who knowingly permits the keeping or harboring of a dog upon his premises, shall, for the purposes of listing and taxation, be deemed the owner thereof, and the assessor and his deputies shall ascertain the owner or harborer of each dog within his territory, and list and return the same by magisterial districts. The Auditor shall provide blank spaces in assessor's books and schedules, and the assessor, in listing a dog, shall enter its description upon the schedule, stating the kind, age, sex, color, size and name, if any.

That section two of said act be amended by striking out the words "one dollar" in the second line of said section and substituting therefor and adding thereto the words "fifty cents" except as provided in section one and by substituting for the word "Auditor" in the seventh line of said section the words "Fiscal Court of the County," and for the word "Treasurer" in said line, the words "County Treasurer," and for the word "Auditor," in the ninth line the words "Fiscal Court," and for the word "Treasurer" in the tenth line the words "County Treasurer," and for the word "Auditor" in said line the words "Fiscal Court" by striking out of the eleventh line the words "by counties," so that said section when thus amended shall read as follows:

§ 2. The owner of every dog over four months of age shall pay a license tax thereon of fifty cents except as provided in section one. The first assessment under this act shall be made in the year 1906; between the first day of September and the thirty-first day of December. Said license tax shall be due and collectible as other taxes, and collected by the sheriff, and reported to the Fiscal Court of the county and paid to the County Treasurer, but the sheriff shall keep such license tax on dogs separate from other funds, and so report to the Fiscal Court and pay to the County Treasurer, and the County Treasurer shall keep separate accounts of such taxes. The amount collected by license tax on dogs shall be used to indemnify losses by the killing or injuring of sheep by dogs as herein provided.

That section four of said act be amended by substituting for that part thereof beginning with the words "such claims as are allowed shall be filed with the Auditor" and ending with said section the following:

"Such claims as are allowed shall be paid out by the County Treasurer to the claimant under such regulations as may by the Fiscal Court be provided. Any surplus left in said fund at the end of any year after payment of all claims presented and allowed as aforesaid during said year shall be appropriated by the Fiscal Court toward the maintenance of the public roads or public schools in said county as may by said court be deemed expedient," so that said section when so amended shall read as follows:

§ 4. At each meeting of the Fiscal Court the claims for loss or damage to sheep, which have been filed not less than thirty days prior to such meeting, shall be taken up and considered, and rejected or, if correct and just, allow the same, or such parts thereof as may be deemed right: Provided, That the Fiscal Court may require additional evidence on any such claims, either by oral testimony or affidavits. Such claims as are allowed shall be paid out by the County Treasurer to the claimant under such regulations as may by the Fiscal Court be provided. Any surplus left in said fund at the end of any year after payment of all claims presented and allowed as aforesaid, during said year shall be appropriated by the Fiscal Court toward the maintenance of the public roads or public schools in said county as may by said court be deemed expedient.

Mr. Wilson moved the previous question on the bill and amendments.

The Speaker stated, Shall the main question be now put? and it was decided in the negative.

The yeas and nays being required thereon by Messrs. S. A. Smith and Sloan, were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Elliott B. Beard,
P. W. Berkshire,
Frank J. Brown,
J. T. Buford,
Dr. C. F. Crecelius,
F. E. Graves,
C. W. G. Hannah,
R. Dillard Hunter,
J. H. Jackson,
Hugh Mahin,
Duncan Milliken,
Jesse F. Nichols,
C. C. Patrick,
W. V. Perry,
J. F. Porter,
G. T. Reynolds,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
S. Albert Shanklin,
John L. Smith,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
E. E. Wash,
Geo. S. Wilson,
J. Hal. Woodford,
—31

Those who voted in the negative were—

O. P. Applegate
Louis W. Arnett,
F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
C. C. Chase,
H. K. Cole,
W. A. Cope,
Denver E. Cornett,
John T. Davis,
W. A. B. Davis,
Wm. E. Dowling,
W. F. Edmunds,
Thos. E. Finley,
S. L. Givan,
R. L. Gwathmey,
W. W. Hopkins,
W. Harrison Isaacs,
W. J. Jackson,
T. C. Jackson,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
H. L. Myers,
Garfield Moore,
A. C. Oliver,
G. W. Parrott
Samuel J. Patrick,
G. L. Perryman,
John C. Pirtle,
R. S. Rector,
Isaac G. Rice,
Robert C. Simmons,
J. A. Sloan,
Sawyer A. Smith,
John S. Steers,
W. H. Strange,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
W. R. Whitlow,
W. C. Wynn, ---49

Mr. Waggoner offered the following amendment to said substitute:

Strike out fifty cents and insert in lieu thereof one dollar.

Said amendment was disagreed to.

Mr. Cope offered an amendment to said substitute:

Strike out the words "public roads" wherever they occur in the substitute.

Said amendment was disagreed to.

The question was then taken on the adoption of said substitute and it was decided in the negative.

The yeas and nays being required thereon by Messrs. S. A. Smith and Hannah were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	R. Dillard Hunter,	John T. Shanklin,
Robert H. Anderson,	J. H. Jackson,	S. Albert Shanklin,
Louis W. Arnett,	W. F. Klair,	Robert C. Simmons,
Elliott B. Beard,	Hugh Mahin,	J. W. Stump,
J. W. Berkshire,	W. C. McChord,	J. A. Sullivan,
P. W. Berkshire,	Jesse F. Nichols,	Eugene W. Tandy,
Frank J. Brown,	C. C. Patrick,	C. S. Templeman,
W. N. Brown, Jr.	W. V. Perry,	Wm. M. Thompson,
J. T. Buford,	John C. Pirtle,	Geo. C. Waggoner,
H. K. Cole,	J. F. Porter,	E. E. Wash,
Dr. C. F. Crecelius,	G. T. Reynolds,	W. R. Whitlow,
Wm. E. Dowling,	Gus W. Richardson,	Geo. S. Wilson,
W. F. Edmunds,	H. A. Schoberth,	J. Hal. Woodford,
F. E. Graves,	W. H. Shanks,	—41

Those who voted in the affirmative were—

O. P. Applegate	W. Harrison Isaacs,	A. C. Oliver,
F. Pierce Blair,	W. J. Jackson,	G. W. Parrott,
Albert Butler,	T. C. Jackson,	Samuel J. Patrick,
C. C. Chase,	W. L. Kimbrough,	G. L. Perryman,
W. A. Cope,	Cleves G. Kinkead,	R. S. Rector,
Denver B. Cornett,	A. T. Knox,	Isaac G. Rice,
John T. Davis,	A. T. Lee,	J. A. Sloan,

W. A. B. Davis,	E. W. Lillard,	John L. Smith,
Thos. E. Finley,	Jasper D. Lowder,	Sawyer A. Smith,
S. L. Givan,	Wm. S. Markolf,	John S. Steers,
R. L. Gwathmey,	J. B. Maynard,	W. H. Strange,
C. W. G. Hannah,	Emanuel Meyer,	J. B. Swann,
Robert L. Harris,	H. L. Myers,	John P. Wallace,
John P. Haswell, Jr.,	Duncan Milliken,	Harry Weitkamp,
W. W. Hopkins,	Garfield Moore,	W. C. Wynn—45

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title.

Mr. Haswell moved that the vote by which said bill was ordered to its third reading be reconsidered.

Mr. Klair moved that said motion lie on the table.

Mr. Klair moved that when the House adjourn this afternoon it be to meet tomorrow morning at 10:05 o'clock.

Mr. Arnett moved that when the House adjourn this afternoon it be to meet tomorrow morning at 10:10 o'clock.

Said last motion was agreed to.

The yeas and nays being required thereon by Messrs. Arnett and Klair, were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson,	John P. Haswell, Jr.,	Emanuel Meyer,
O. P. Applegate	W. W. Hopkins,	H. L. Myers,
Louis W. Arnett,	W. Harrison Isaacs,	Garfield Moore,
Frank J. Brown,	W. J. Jackson,	G. W. Parrott,
W. N. Brown, Jr.	W. F. Klair,	Samuel J. Patrick,
J. T. Buford,	W. L. Kimbrough,	G. L. Perryman,
W. A. Cope,	Cleves G. Kinkead,	R. S. Rector,
Denver B. Cornett,	A. T. Knox,	Isaac G. Rice,
W. A. B. Davis,	A. T. Lee,	W. H. Shanks,

John T. Davis,	Jasper D. Lowder,	John L. Smith,
Thurman B. Dixon,	Hugh Mahin,	Sawyer A. Smith,
W. F. Edmunds,	Wm. S. Markolf,	Eugene W. Tandy,
Thos. E. Finley,	J. B. Maynard,	John P. Wallace,
R. L. Gwathmey,	W. C. McChord,	J. Hal. Woodford,
C. W. G. Hannah,		—43

Those who voted in the negative were—

A. A. Allphin,	Duncan Milliken,	J. A. Sloan,
Elliott B. Beard,	Jesse F. Nichols,	John S. Steers,
J. W. Berkshire,	A. C. Oliver,	J. W. Stump,
P. W. Berkshire,	C. C. Patrick,	J. A. Sullivan,
H. K. Cole,	W. V. Perry,	J. B. Swann,
Dr. C. F. Crecelius,	John C. Pirtle,	C. S. Templeman,
Wm. E. Dowling,	J. F. Porter,	Wm. M. Thompson,
F. E. Graves,	G. T. Reynolds,	Geo. C. Waggoner,
Robert L. Harris,	Gus W. Richardson,	E. E. Wash,
R. Dillard Hunter,	H. A. Schoberth,	Harry Weitkamp,
J. H. Jackson,	John T. Shanklin,	W. R. Whitlow,
T. C. Jackson,	S. Albert Shanklin,	W. C. Wynn,
E. W. Lillard,	Robert C. Simmons,	Geo. S. Wilson—39

The hour of 5 o'clock having arrived, the House stood adjourned.

WEDNESDAY, MARCH 11, 1908.

The Chief Clerk produced and read the following communication:

James E. Stone, Chief Clerk of the House:

Dear Sir—I hereby designate Hon. W. H. Shanks, of Lincoln County, to act as speaker *pro tem* on this date.

W. J. GOOCH, Speaker.

The House was opened with prayer by Rev. Father T. M. Major, of the Roman Catholic Church.

The reading of the journal of yesterday's proceedings was dispensed with.

The House took up for consideration the unfinished business of yesterday, to-wit: a bill entitled:

H. B. 255. An act to fix certain duties of the Superintendent of Public Instruction and to make provision for the payment of his traveling expenses.

Mr. Klair moved that said bill be recommitted to the Committee on Education No. 2.

Said motion was agreed to.

A message was received from the Senate announcing that they had adopted a joint resolution and passed bills of the following titles, viz.:

1. S. Res. 8. Resolutions for the benefit of B. F. Beard & Company and Hardin & Payne.

2. S. B. 4. An act to repeal chapter 105 of the eKntucky Statutes, 1903 Edition, title Public Printing, Binding and Stationery, and to re-enact in lieu thereof section 3953 to 3995, both inclusive.

3. S. B. 55. An act to fix the fees of jailers for keeping and dieting prisoners in jail.

4. S. B. 130. An act to amend section 8, chapter 22, of Article 1 of an act approved March 15, 1906, entitled, An act relating to revenue and taxation.

5. S. B. 131. An act to amend section 317, chapter 17, entitled, Charitable Uses and Religious Societies of the Kentucky Statutes.

6. S. B. 181. An act to amend chapter 18 of the acts of 1906, en-

titled, An act creating and establishing a Board of Commissioners to be known as the Kentucky State Board of Control for Charitable Institutions and prescribing its duties and powers.

7. S. B. 221. An act to amend and re-enact sections 12, 13, 14, 17, 18, 19, 20 and 26 of an act entitled, An act concerning conveyances, approved April 22, 1893, and being sections 501, 502, 503, 506, 507, 508 and 514, Chapter 29, of Kentucky Statutes, compiled by John D. Carroll and issued in 1903, and to amend and re-enact section 1 of an act entitled, An act to cure certain defective certificates of proof deeds, and to make copies from the record prima facie evidence in the courts and tribunals of this State, approved March 24, 1902, and being section 519a of said statutes.

8. S. B. 267. An act to amend an act entitled, An act to continue in force drainage systems established and created by drainage corporations heretofore in any of the counties of Kentucky, this act to be section 2417a of the Kentucky Statutes, and being chapter 151 of the Acts of 1906.

9. S. B. 268. An act to appropriate money to keep the new capitol buildings and grounds in order

Said resolution and bills were ordered to be printed and referred:

1. To the Committee on Claims.
2. To the Committee on Printing.
3. To the Committee on County and City Courts.
4. To the Committee on Revenue and Taxation.
5. To the Committee of Public Morals.
6. To the Committee on Kentucky Statutes.
7. To the Committee on Judiciary.
8. To the Committee on Kentucky Statutes.
9. To the Committee on State Capitol.

Mr. Haswell offered the following resolution:

Whereas, The centenary of the birth of Abraham Lincoln is to

be celebrated February 12, 1909, at his birthplace in Larue County, Kentucky, with imposing ceremonies and the dedication of a memorial to his memory; and

Whereas, Kentuckians regard him as her greatest son and one of the really great and good men of all time; and

Whereas, It is eminently fitting and proper that Kentuckians should participate in the dedication of this memorial and entertain the distinguished guests attending on that occasion; now, therefore,

Be it resolved, by the General Assembly of the Commonwealth of Kentucky, that the Governor of this State be and he is hereby authorized and empowered to appoint fifteen commissioners on behalf of the State to represent it at the said centenary and to make all necessary and suitable arrangements for the occasion, and

Be it further resolved, that there be and hereby is appropriated the sum of five thousand dollars to be expended by the said commission for the purposes herein set out; the same to be paid by the Auditor of Public Acounts upon the order of said commissioners, approved by the Governor.

Which was read the first time at length, ordered to be printed and placed on the calendar.

Mr. Dowling, of the Committee on Kentucky Statutes, to which the same had been referred, reported a bill of the following title:

H. B. 417. An act to regulate the charges for transportation of freight and passengers by steamboat or other common carriers upon the waters wholly within the State of Kentucky, and to further increase and define the powers and duties of the Railroad Commission.

Said bill was read the first time at length and ordered to be placed on the calendar.

The House took up for consideration from the calendar bills of the following titles:

S. B. 121. An act to amend section 2054, Chapter 63, of the Kentucky Statutes, relating to the State Board of Health.

S. B. 103. An act to provide for an annual school of county and city health officers, and to provide for the conduct and expense of the same.

H. B. 106. An act to amend an act entitled, An act to assign the cities and towns of this Commonwealth to the classes to which they belong, approved March 21, 1906.

Ordered that said bills be read the second time.

The constitutional provision as to the second reading of said bills at length being dispensed with, said bills were severally read the second time by their titles.

Ordered, that said bills be placed in the orders of the day.

The House took up for consideration from the orders of the day a bill, entitled:

H. B. 288. An act to regulate the child labor law and make the provisions thereof effective.

Together with the amendments heretofore proposed thereto by the Committee on Immigration and Labor.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ No child under fourteen years of age shall be employed, permitted or suffered to work in or in connection with any factory, workshop, mine, mercantile establishment, store, business office, telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages. It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age in any business or service whatever, during any part of

the term during which the public schools of the district in which the child resides are in session.

§ 2. No child between fourteen and sixteen years of age shall be employed, permitted or suffered to work in any factory, workshop, mine or mercantile establishment unless the person or corporation employing him procures and keeps on file and accessible to the truant officers of the town or city, and to the Labor Inspector, an employment certificate as hereinafter prescribed, and keeps two complete lists of all such children employed therein, one on file and one conspicuously posted near the principal entrance of the building in which such children are employed. On termination of the employment of a child so registered, and whose certificate is so filed, such certificate shall forthwith be surrendered by the employer to the child or its parent or guardian or custodian. The Labor Inspector may make demand on an employer in whose establishment a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not then filed as required by this Act, that such employer shall either furnish him within ten days, evidence satisfactory to him that such child is in fact over sixteen years of age, or shall cease to employ, or permit or suffer such child to work therein. The Labor Inspector may require from such employer the same evidence of age of such child as is required on the issuance of an employment certificate, and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. In case such employer shall fail to produce and deliver to the Inspector within ten days after such demand such evidence of age herein required of him, and thereafter continue to employ such child, or permit or suffer such child to work in such establishment, proof of the giving of such notice and of such failure to produce and file such evidence shall be *prima facie* evidence in any prosecution brought for violation of the provision that such child is under sixteen years of age and is unlawfully employed.

§ 3. An employment certificate shall only be approved by the Superintendent of Schools or by a person authorized by him in writing, or, where there is no Superintendent of Schools, by a person authorized by the school board, *provided* that no member of a school board or other person authorized as aforesaid shall have authority to approve such certificate for any child then in or about to enter his own employment, or the employment of a firm or corporation of which he is a member, officer or employe.

§ 4. The persons authorized to issue employment certificates shall not issue such certificates until he has received, examined, approved, and filed the following papers duly executed:

(1) The school record of such child properly filled out and signed as provided hereinbelow. (2) A passport or duly attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of such child. A duly attested transcript of the birth certificate filed according to law with any officer charged with the duty of recording births, shall be sufficient evidence of the age of such child. (3) The affidavit of the parent, guardian or custodian of the child, which shall be required, however, only in case such last mentioned transcript of the certificate of birth be not produced and filed, showing the place and date of birth of such child; which affidavit must be taken before the officer issuing employment certificates, who is hereby authorized and required to administer the oath, and who shall not demand or receive a fee therefor. Such employment certificate shall not be issued until such child has personally appeared before and been examined by the officer issuing the certificates, and until such officer shall, after amking examination, file and sign in his office a statement that the child can read and legibly write simple sentences in the English language and that in his opinion the child is fourteen years of age or upward and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. In doubtful cases such physical fitness shall be determined by a medical

officer of the board or department of health, or by the county physician. Every employment certificate shall be signed in the presence of the child in whose name it is issued.

§ 5. Such certificate shall state the date and place of birth of the child, and describe the color of the hair and eyes, the height and weight and any distinguishing facial marks of such child, and that the papers required by the preceding section have been duly examined, approved and filed and that the child named in such certificate has appeared before the officer signing the certificate and has been examined.

§ 6. The school record above mentioned shall be signed by the principal or chief teacher of the school which such child has last attended and shall be furnished, on demand, to a child entitled thereto. It shall contain a statement certifying that the child has regularly attended the public school or schools equivalent thereto or parochial schools for not less than one hundred days during the school year previous to his arriving at the age of fourteen years or during the year previous to applying for such school records and is able to read and write simple sentences in the English language, and has received during such period instruction in reading, spelling, writing and geography and is familiar with the fundamental operations of arithmetic up to and including common fractions. Such school record shall also give the age and residence of the child, as shown on the records of the school and the name of its parent, or guardian or custodian:

Provided, That upon the filing with the person authorized to issue employment certificates of the affidavit of the applicant or of his or her parent, guardian or custodian, showing that diligent effort has been made to obtain the school record hereby required and that it cannot be obtained, then the person authorized to issue the certificate may issue such a certificate without having received such school record, but it shall be his duty, in such case, to examine the applicant as to his or her proficiency in each of the studies mentioned in this section; and in

such case the employment certificate shall show that such examination was had in lieu of the filing of the school record.

§ 7. The local board of education or the school board of a city, town or district, as the case may be, shall transmit between the first and tenth of each month, to the office of the Labor Inspector, a list of the names of the children to whom certificates have been issued during the previous month.

§ 8. No person under the age of sixteen years shall be employed or suffered or permitted to work at any gainful occupation more than 60 hours in any one week, not more than ten hours in any one day; or before the hour of seven o'clock in the morning or after the hour of seven in the evening. Every employer shall post in a conspicuous place in every room where such minors are employed a printed notice, stating the hours required of them each day of the week, the hours of commencing and stopping work and the hours when the time or times allowed for dinner or for other meals begin and end. The printed form of such notice shall be furnished by the State Labor Inspector, and the employment of any minor for longer time in any day so stated shall be deemed a violation of this section.

§ 9. Whoever employes a child under sixteen years of age, and whoever having under his control a child under such age permits such child to be employed in violation of section one, two or eight of this Act, shall, for such offense, be fined not more than fifty dollars, and whoever continues to employ any child in violation of either of said sections of this act after being notified by a truant officer or a Labor Inspector thereof, shall for every day thereafter that such employment continues, be fined not less than five nor more than twenty dollars. A failure to produce to a truant officer or Labor Inspector any employment certificate or list required by this act shall be *prima facie* evidence of the illegal employment of any person whose employment certificate is not produced, or whose name is not so listed. Any corporation or employer retaining employment certificates in violation of section two

of this act shall be fined ten dollars. Every person authorized to sign the certificate prescribed by section five of this act, who knowingly certifies to any materially false statement therein shall be fined not more than fifty dollars, nor less than ten dollars.

§ 10. Truant officers may visit the factories, work-shops, mines, and mercantile establishments in their several towns and cities and ascertain whether any minors are employed therein contrary to the provisions of this act, and they shall report any cases of such illegal employment to the Superintendent of Schools and to the Labor Inspector. Labor Inspector and truant officers may require that the employment ecrtificates and lists provided for in this act, of minors employed in such factories, workshops, mines or mercantile establishments, shall be produced for their inspection. Complaints for offenses under this act shall be brought by the Labor Inspectors.

§ 11. No child under the age of sixteen years shall be employed at sewing belts, or to assist in sewing belts, in any capacity whatever, nor shall any child adjust any belt to any machinery; they shall not oil or assist in oiling, wiping or cleaning machinery; they shall not operate, or assist in operating circular or band saws, wood shapers, wood joiners, planers, sandpaper or wood polishing machinery, emery or polishing wheels used for polishing sheet metal, wood turning or boring machinery, stamping machines in sheet metal and tinware manufacturing, stamping machines in washer and nut factories, operating corrugating rolls, such as are used in roofing factories, nor shall they be employed in operating any steam boiler, steam machinery, or other steam generating apparatus, or as pin boys in any bowling alley; they shall not operate or assist in operating dough brakes, or cracker machinery of any description, wire or iron straightening machinery, nor shall they operate or assist in operating rolling mill machinery, punches or shears, washing, or grinding or mixing mills or calendar rolls in rubber manufacturing, nor shall they operate or assist in operating laundry machinery, nor shall such child be employed in any capacity in preparing any composition in which dangerous or poisonous acids

are used, and they shall not be employed in any capacity in the manufacture of paints, colors or white lead, nor shall they be employed in any capacity whatever in operating or assisting to operate any passenger or freight elevator, nor shall they be employed in any capacity whatever in the manufacture of goods for immoral purposes, nor in any theatre, concert hall, or place of amusement wherein intoxicating liquors are sold, nor shall females under sixteen years of age be employed in any capacity where such employment compels them to remain standing constantly. Nor shall any child under sixteen years of age be employed at any occupation dangerous or injurious to health or morals, or to lives or limbs, and as to these matters, the decision of the county physician or city health officer, as the case may be, shall be final.

§ 12. It shall be the duty of the owner of any manufacturing establishment, where any person under sixteen years of age is employed, his agents, superintendent or other persons in charge of same, to furnish and supply, when practicable, or cause to be furnished and supplied to him, belt shifters or other safe mechanical contrivance for the purpose of throwing belts on or off pulleys; and, whenever practicable, machinery therein shall be provided with loose belts. All vats, pans, saws, planes, cogs, gearing, belting, set screws and machinery of every description therein, which is palpably dangerous where practicable, shall be properly guarded; and no person shall remove or make ineffective any safeguard around or attached to any planer, saw, belting, shafting or other machinery, or around any vat or pan, while the same is in use, unless for the purpose of immediately making repairs thereto, and all such safeguards shall be promptly replaced. No person under eighteen years of age shall be allowed to clean machinery while in motion.

§ 13. Suitable and proper wash rooms and water closets shall be provided in each manufacturing establishment, where any person under sixteen years of age is employed, and such water-closets shall be properly screened and ventilated and be kept at all times in a

clean condition; and if girls under sixteen years of age be employed in any such establishment, the water-closet shall have separate approaches and be kept separate and apart from those used by men. All closets shall be kept free from obscene writing and marking. A dressing room shall be provided for such girls when the nature of their work is such as to require any change of clothing.

§ 14. Every person, firm, corporation, association, individual or partnership employing girls under sixteen years of age in any manufacturing, mechanical or mercantile industry, laundry, workshop, renovating works, or printing offices in this Commonwealth, shall provide seats for the use of the girls so employed, and shall permit the use of such by them when not necessarily engaged in the active duties for which they are employed.

§ 15. The walls and ceilings of each room in every manufacturing establishment where any person under sixteen years of age is employed shall be lime-washed or painted, when, in the opinion of the labor inspector, it shall be conducive to the health or cleanliness of the person working therein.

§ 16. Grand juries shall have inquisitorial powers to investigate violations of this Act; also shall county judges and circuit judges, and judges of the Circuit Courts of the State shall specially charge the grand jury at the beginning of each term of the court to investigate violations of this Act.

§ 17. A copy of this Act shall be conspicuously posted and kept in each workroom of every manufacturing establishing, mill, mine or workshop or mercantile or printing establishment, theater, bowling alley, telegraph, telephone or public messenger company or laundry in this Commonwealth.

§ 18. Any adult person who violates any of the provisions of this Act or who suffers or permits any child to be employed in violation of its provisions, shall be deemed guilty of a misdemeanor, and on conviction, unless otherwise herein expressly provided, shall be pun-

ished by a fine of not more than fifty dollars and not less than twenty-five dollars for the first offense, and for each subsequent offense by imprisonment for not more than ninety days and not less than ten days, or by a fine of not less than fifty dollars nor more than two hundred dollars, or by both fine and imprisonment.

§ 19. Whereas, there are many children between the ages of fourteen and sixteen now in employments for which an employment certificate is required by this Act; Now, therefore, in order to provide ample time for compliance herewith by obtaining the proof of birth and the school record herein required, it is hereby enacted that the provisions of this Act as to the requirements of an employment certificate shall not go into effect until the first day of September, Nineteen Hundred and Eight.

And, whereas, there are some children between the ages of fourteen and sixteen who are now in employments for which an employment certificate is required by this Act, who cannot comply with the educational test established by this Act and who would find it a real hardship to be thus expelled from their employment without a full opportunity to prepare themselves for that test; Now, therefore, it is hereby enacted that the requirements of the filing of a school record, or of mental examination in default thereof, as a prerequisite to the issuance of an employment certificate, shall not be effective until the first day of September, Nineteen Hundred and Nine; but from the first day of September, 1908, to the first day of September, 1909, employment certificates shall be issued to children between the ages of fourteen and sixteen years upon the proof of birth and of physical fitness required by Section three hereof.

§ 20. This Act shall operate and be construed as a repeal of an Act entitled, "An Act to make it unlawful to employ a child less than fourteen years of age in workshops, mines, mills, or factories in this Commonwealth, and fixing a penalty," approved March 12, 1902, and as a repeal of an Act entitled "An Act to amend an Act entitled 'An Act to make it unlawful to employ a child less than

fourteen years of age in workshops, mines or factories,' and to regulate the employment, use and protection of child labor in mills, mines, factories, etc." approved March 17, 1906, and all other laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

The amendments as proposed by the Committee on Immigration and Labor to said bill are as follows:

That section 19 be amended by striking out the words "by imprisonment for not more than 90 days and not less than ten days."

By adding the following:

"Provided, however, that in retail stores children between the ages of fourteen and sixteen years may work as much as, but not exceeding, sixty hours per week and not more than twelve hours on any one day of the week, and on no day shall such children begin work before the hour of seven in the morning nor shall such children be kept at work after the hour of seven in the evening on any day except Saturday when such children may continue at work until the hour of ten in the evening."

Said amendments were severally disagreed to.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,	John P. Haswell, Jr.,	J. F. Porter,
Robert H. Anderson,	W. W. Hopkins,	R. S. Rector,
O. P. Applegate	R. Dillard Hunter,	G. T. Reynolds,
Louis W. Arnett,	F. M. Hutcheson, Jr.,	Isaac G. Rice,
J. W. Berkshire,	W. Harrison Isaacs,	Gus W. Richardson,

P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
J. Will Clay,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
J. H. Jackson,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Garfield Moore,
Chris Mueller,
Jesse F. Nichols,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
S. Albert Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. B. Swann,
D. P. Taggart
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford,

—91

Those who voted in the negative were—

W. J. Jackson

Resolved, that the title thereof be as aforesaid.

Mr. Wilson moved that the vote by which said bill was passed be reconsidered and that that vote lie on the table.

Said last motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 351. An act to amend an act entitled, An act relating to Revenue and Taxation, approved March 15, 1906.

M. Sawyer A. Smith moved that said bill be recommitted to the Committee on Revenue and Taxation.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Hannah and Brooks were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,	John P. Haswell, Jr.,	Samuel J. Patrick,
O. P. Applegate	R. Dillard Hunter,	G. L. Perryman,
F. Pierce Blair,	W. Harrison Isaacs,	R. S. Rector,
W. N. Brown, Jr.	J. H. Jackson,	Isaac G. Rice,
Albert Butler,	T. C. Jackson,	John T. Shanklin,
C. C. Chase,	W. H. Jones,	J. A. Sloan,
J. Will Clay,	W. F. Klair,	Sawyer A. Smith,
H. K. Cole,	W. L. Kimbrough,	John S. Steers,
W. A. Cope,	Cleves G. Kinkead,	R. E. Stewart,
Denver B. Cornett,	A. T. Knox,	W. H. Strange,
John T. Davis,	A. T. Lee,	J. A. Sullivan,
W. A. B. Davis,	E. W. Lillard,	J. B. Swann,
Henry H. Denham,	Jasper D. Lowder,	D. P. Taggart,
Thurman B. Dixon,	Wm. S. Markolf,	Geo. C. Waggoner,
J. A. Duff,	J. B. Maynard,	John P. Wallace,
Robert Enlow,	W. C. McChord,	E. E. Wash,
Thos. E. Finley,	Emanuel Meyer,	Harry Weitkamp,
S. L. Givan,	H. L. Myers,	W. R. Whitlow,
R. L. Gwathmey,	Chris Mueller,	W. C. Wynn,
C. W. G. Hannah,	G. W. Parrott,	J. Hal. Woodford,
Robert L. Harris,	C. C. Patrick,	—62

Those who voted in the negative were—

Robert H. Anderson,	W. W. Hopkins,	Gus W. Richardson,
Elliott B. Beard,	F. M. Hutcheson, Jr.,	H. A. Schoberth,

J. W. Berkshire,	W. J. Jackson,	W. H. Shanks,
P. W. Berkshire,	Hugh Mahin,	S. Albert Shanklin,
O. Houston Brooks,	Duncan Milliken,	Robert C. Simmons,
Frank J. Brown,	Jesse F. Nichols,	John L. Smith,
J. T. Buford,	A. C. Oliver,	J. W. Stump,
Dr. C. F. Crecelius,	W. V. Perry,	Eugene W. Tandy,
Wm. E. Dowling,	John C. Pirtle,	C. S. Templeman,
W. F. Edmunds,	J. F. Porter,	Wm. M. Thompson,
F. E. Graves,	G. T. Reynolds,	Geo. S. Wilson—33

The House took up for consideration from the orders of the day a bill entitled:

H. B. 201. An act to amend section 567 Kentucky Statutes.

Mr. Sloan moved that said bill be recommitted to the committee on Judiciary.

Said motion was disagreed to.

Mr. Klair moved that said bill be recommitted to the committee on Corporate Institutions.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Hannah and S. A. Smith were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,	C. W. G. Hannah,	Garfield Moore.
Robert H. Anderson,	Robert L. Harris,	Chris. Mueller,
O. P. Applegate	W. W. Hopkins,	A. C. Oliver,
F. Pierce Blair,	W. Harrison Isaacs,	G. W. Parrott,
W. N. Brown, Jr.	J. H. Jackson,	Samuel J. Patrick,
Albert Butler,	T. C. Jackson,	G. L. Perryman,
C. C. Chase,	W. H. Jones,	J. F. Porter,
J. Will Clay,	W. F. Klair,	R. S. Rector,
H. K. Cole,	W. L. Kimbrough,	Isaac G. Rice,

W. A. Cope,
Denver B. Cornett,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
Thos. E. Finley,
S. L. Givan,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
H. L. Myers,
Gus W. Richardson,
J. A. Sloan,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
John P. Wallace,
W. R. Whitlow,
W. C. Wynn —58

Those who voted in the negative were—

Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
Dr. C. F. Crecelius,
F. E. Graves,
R. L. Gwathmey,
F. M. Hutcheson, Jr.,
Duncan Milliken,
Jesse F. Nichols,
W. V. Perry,
John C. Pirtle,
G. T. Reynolds,
W. H. Shanks,
S. Albert Shanklin,
Robert C. Simmons,
John L. Smith,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
E. E. Wash,
Harry Weitkamp,
Geo. S. Wilson,
J. Hal. Woodford,
—29

The House took up for consideration from the orders of the day a bill entitled:

H. B. 114. An act providing for transportation of attendants with shipments of live stock.

Together with an amendment proposed thereto by the committee on Railroads:

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all companies, person or persons, or corporations classed

as common carriers, engaged in the transportation of live stock in the State of Kentucky, shall, upon application of the shipper of such the State of Kentucky, shall, upon application of the shipper of such shipments of live stock, based on the following conditions:

The shipper of one car of live stock, or his agent, shall be carried free on the train with such animals to take care of the same and shall be entitled to a return ticket, good on any regular train of the company, for not to exceed one-half fare.

The shipper of two or three cars of live stock, or his agent, shall be carried free on the train with such stock to take care of them, and shall be returned on any regular train, free, by the company.

The shipper of four to seven cars of live stock, inclusive, belonging to one owner, shall be entitled to have two men in charge transported on the train with such stock and returned on any regular train, free.

The shipper of eight cars or more belonging to one owner, shall be entitled to transportation for three men in charge of said stock to be returned free, on any regular train.

§ 2. If any companies, person or persons, or corporations, classed as common carriers, refuse to furnish such transportation they or it shall be fined Fifty ($50) Dollars for each offense. The refusal to furnish such transportation with any car-load of live-stock shall be deemed an offense.

§ 3. All laws or parts of laws in conflict herewith are hereby repealed.

The amendment proposed thereto by the committee on Railroads is as follows, viz:

Amend by adding after the word "train" the following words: "Provided, that any person or persons in charge of such live stock and traveling upon the freight trains of said carriers and any person

or persons returning free, or at reduced rates, shall assume all risks of accidents or damage to his or their persons or property and said carrier or carriers shall not be liable for or on account of any personal injury or damage of any kind sustained by such person or persons so traveling in charge of such live stock, or returning free or at reduced rates, upon the trains of said carrier."

Mr. Milliken offered the following amendment to said amendment: Strike out the words "or property."

Said amendment was agreed to.

Mr. W. N. Brown offered the following amendment to said amendment:

"Insert the words 'or poultry' after the word 'stock' where ever it occurs."

Said amendment was agreed to.

The amendment as proposed by the committee, as amended, was then agreed to.

Mr. W. N. Brown offered the following amendment to the original bill:

"Insert the words 'or poultry' after the word 'stock' wherever it occurs."

Said amendment was agreed to.

Ordered, that said bill as amended be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,
Robert H. Anderson,
O. P. Applegate
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
J. Will Clay,
H. K. Cole,
W. A. B. Davis,
W. F. Edmunds,
Robert Enlow,
Thos. E. Finley,
F. E. Graves,
R. Dillard Hunter,
F. M. Hutcheson, Jr.,
J. H. Jackson,
W. J. Jackson,
W. H. Jones,
W. F. Klair,
A. T. Knox,
E. W. Lilliard,
Hugh Mahin,
W. C. McChord,
Emanuel Meyer,
H. L. Myers,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
John C. Pirtle,
G. T. Reynolds,
Isaac G. Rice,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
S. Albert Shanklin,
J. A. Sloan,
John L. Smith,
John S. Steers,
W. H. Strange,
J. W. Stump,
J. A. Sullivan,
Eugene W. Tandy,
C. S. Templeman,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford,
—58

Those who voted in the negative were—

W. A. Cope,
John T. Davis,
Henry H. Denham,
J. A. Duff,
S. L. Givan,
R. L. Gwathmey,
C. W. G. Hannah,
John P. Haswell, Jr.,
W. W. Hopkins,
W. Harrison Isaacs,
Cleves G. Kinkead,
A. T. Lee,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
Duncan Milliken,
Garfield Moore,
G. W. Parrott,
Samuel J. Patrick,
G. L. Perryman,
Robert C. Simmons,
Sawyer A. Smith,
J. B. Swann,
Wm. M. Thompson,
—24

Resolved, that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 359. An act relating to the office of Reporter of the Court of Appeals prescribing his duties and his term of office and fixing his compensation and that of his clerk.

Together with an amendment heretofore proposed thereto by the Committee on Court of Appeals.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the reporter of the decisions of the court of appeals shall, hereafter, be appointed by the judges of the court of appeals, by an order entered on its records, for a term of four years.

§ 2. That the duty of said reporter shall be to have such decisions of the court of appeals as are marked "To be reported," properly digested and prepared for publication, including such summary of the briefs of counsel and the authorities cited therein, as he may deem to be necessary, and to promptly furnish same to the contractor for the printing and binding of the Reports of the Court of Appeals, with a correct "Table of Cases," cross-indexed in the name of both appellant and appellee, and also an index of the abstracts of the opinions of the court noting the style of each case, and the page where it may be found; and to see that such opinions and indexes are correctly printed by such contractor. He shall also perform any other duties which the court may require of him; and for incapacity or neglect of his official duties, or for other cause, in the discretion of the court, he may be removed from his office by the judges of the court of appeals, at any time, in their discretion.

§ 3. The salary of the reporter shall be three thousand ($3,000) dollars per annum, which shall be paid monthly by the Auditor of Public Accounts out of the State treasury.

§ 4. The reporter may, with the approval of the judges of the

court of appeals, appoint a clerk to assist him in his work, who shall be a competent proof reader, and who shall be allowed a salary of sixty ($60) dollars per month, to be paid monthly by the Auditor, out of the State treasury.

§ 5. Section 956, of the Kentucky Statutes, and section 7, of chapter 113, of the Session Acts of 1904, entitled "An act relating to the printing and binding of the State reports, containing the decisions of the court of appeals," are hereby repealed.

The amendment as proposed by said committee is as follows:

In section 3 strike out "three thousand dollars" and insert in lieu thereof "twenty-four hundred dollars."

Said amendment was agreed to.

Mr. Richardson offered the following amendment to said bill.

Strike out "sixty dollars" and insert in lieu thereof "seventy-five dollars." in section 4.

Said amendment was disagreed to.

Said bill is as follows, viz:

Ordered, that said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	F. E. Graves,	H. A. Schoberth,
Robert H. Anderson,	John P. Haswell, Jr.,	W. H. Shanks,
O. P. Applegate	J. H. Jackson,	S. Albert Shanklin,

Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
J. T. Buford,
C. C. Chase,
J. Will Clay,
Dr. C. F. Crecelius,
Wm. E. Dowling,
W. F. Edmunds,
W. F. Klair,
E. W. Lillard,
W. C. McChord,
Chris Mueller,
Jesse F. Nichols,
W. V. Perry,
G. T. Reynolds,
Gus W. Richardson,
Robert C. Simmons,
John S. Steers,
J. W. Stump,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
W. R. Whitlow,
W. C. Wynn—34

Those who voted in the negative were—

F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
Albert Butler,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
J. A. Duff,
Robert Enlow,
S. L. Givan,
R. L. Gwathmey,
C. W. G. Hannah,
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.,
W. Harrison Isaacs,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
Emanuel Meyer,
H. L. Myers,
G. W. Parrott,
Samuel J. Patrick,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
Isaac G. Rice,
John T. Shanklin,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
J. B. Swann,
D. P. Taggart,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
Geo. S. Wilson,
J. Hal. Woodford,
—51

And so said bill was rejected.

Mr. Wilson moved that the vote by which said bill was rejected be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled;

H.B. 264. An act to amend sections 203 and 204 of the Kentucky Code of Practice in Criminal Cases.

With an amendment heretofore proposed thereto by the Committee on Kentucky Statutes:

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 3. That sections 203 and 204 of the Kentucky Code of Practice in Criminal cases be, and the same are hereby, respectively amended by striking out the word "fifteen" and substituting therefor "ten" in section 203 and by striking out the word "five" and substituting therefor "ten" in section 204, so that the same section 203 and section 204, after amendment, will read respectively as follows:

"§ 203. The defendant is entitled to ten peremptory challenges in prosecutions for felony and to three in prosecutions for misdemeanor.

"§ 204. The Commonwealth shall be entitled to ten peremptory challenges in prosecutions for felony, and to three in prosecutions for misdemeanor."

The amendment as proposed thereto by the committee is as follows:

Amend section 1 by striking out the word "ten" and insert the word "five" so that said section will read: The Commonwealth shall be entitled to five peremptory challenges for felony and three in prosecutions for misdemeanor.

Said amendment was agreed to.

Ordered, That said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said

bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,
Robert H. Anderson,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
J. Will Clay,
Dr. C. F. Crecelius,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
F. E. Graves,
R. Dillard Hunter,
F. M. Hutcheson, Jr.,
J. H. Jackson,
W. J. Jackson,
W. F. Klair,
E. W. Lillard,
Hugh Mahin,
W. C. McChord,
Emanuel Meyer,
Duncan Milliken,
Chris Mueller,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
S. Albert Shanklin,
Robert C. Simmons,
John L. Smith,
John S. Steers,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
W. R. Whitlow,
Geo. S. Wilson,
J. Hal. Woodford,
—50

Those who voted in the negative were—

E. E. Wash—1

Resolved, That the title thereof be as aforesaid.

Mr. Wilson moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 13. An act to re-enact subsection 4 of section 1, article 4 of an act entitled, An act for the government of cities of the second class in the Commonwealth of Kentucky approved March 19, 1894, said sub-section being sub-section 4 of section 3058 Kentucky Statutes, 1903.

Together with an amendment heretofore proposed thereto by the Committee on Municipalities.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sub-section four of section one of Article Four of an act, entitled, "An Act for the government of the cities of the second class in the Commonwealth of Kentucky," approved March 19th, 1894, said sub-section being sub-section four of section Three Thousand and Fifty Eight of the Kentucky Statutes, 1903, be and is hereby amended and re-enacted so that the same shall read as follows, to-wit:

WATER SUPPLY:—To provide the city with water, to make, regulate and establish public cisterns, hydrants and reservoirs, in or under the streets within the city, or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water, and to compel any water company, corporation or individual to change or re-locate any water main or pipe; and, when such cities own a water works system, shall have power supply such neigboring towns, cities and other municipalities and individuals, as may contract therefor, with water from said water works system, and for said purposes may acquire and own all necessary franchises, rights and privileges from said towns, cities and other municipalities, to extend and maintain, and may extend and maintain and own therein, pipe and other things necessary to the supply and distribution of said water.

The amendment as proposed by the committee to said bill is as follows:

That said bill be amended by inserting the following after the word "Water" in the twentieth line thereof.

"In case the City shall secure the franchise for supplying any neighboring town, city or municipality, or in case of the annexation of any neighboring Town, City, or Municipality, and in such City, Town or Municipality any Water Company has therefore laid, or constructed Water Mains, Fire-Plugs, Hydrants, etc., in any such City, Town or Municipality for the purpose of supplying the same, and its inhabitants with water, then, and in that event, the City obtaining said franchise, or annexing said Town, City or Municipality, shall be required before they exercise any franchise therein for supplying Water to purchase all Water Mains, Fire-plugs, Hydrants and other attachments belonging to said Water Companies in said City, Town, or Municipality, at a price to be fixed by a Board of Appraisers consisting of three persons, one to be selected by the City, one by the Water Company, and the two so appointed to select the third.

Said amendment was agreed to.

Mr. Klair offered the following amendment to said bill.

Strike out of lines 11 and 12 the following words; "and to compel any water company, corporation or individual to change or relocate any water main or pipe.

Said amendment was agreed to.

Ordered, That said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz:

Those who voted in the affirmative were—

Robert H. Anderson,	J. H. Jackson,	R. S. Rector,
O. P. Applegate	W. J. Jackson,	Isaac G. Rice,
Louis W. Arnett,	W. F. Klair,	Gus W. Richardson,
Elliott B. Beard,	W. L. Kimbrough,	H. A. Schoberth,
J. W. Berkshire,	A. T. Knox,	W. H. Shanks,
P. W. Berkshire,	A. T. Lee,	S. Albert Shanklin,
F. Pierce Blair,	E. W. Lillard,	Robert C. Simmons,
W. N. Brown, Jr.	Jasper D. Lowder,	J. A. Sloan,
J. T. Buford,	Hugh Mahin,	John L. Smith,
Albert Butler,	Wm. S. Markolf,	John S. Steers,
H. K. Cole,	J. B. Maynard,	R. E. Stewart,
W. A. Cope,	W. C. McChord,	W. H. Strange,
Dr. C. F. Crecelius,	Emanuel Meyer,	J. A. Sullivan,
John T. Davis,	H. L. Myers,	J. B. Swann,
W. A. B. Davis,	Duncan Milliken,	D. P. Taggart,
Henry H. Denham,	Garfield Moore,	C. S. Templeman,
J. A. Duff,	Chris Mueller,	Wm. M. Thompson,
S. L. Givan,	Jesse F. Nichols,	Geo. C. Waggoner,
F. E. Graves,	G. W. Parrott,	John P. Wallace,
R. L. Gwathmey,	Samuel J. Patrick,	E. E. Wash,
C. W. G. Hannah,	W. V. Perry,	Harry Weitkamp,
John P. Haswell, Jr.,	G. L. Perryman,	W. R. Whitlow,
R. Dillard Hunter,	John C. Pirtle,	W. C. Wynn,
F. M. Hutcheson, Jr.,	J. F. Porter,	Geo. S. Wilson,
W. Harrison Isaacs,		J. Hal. Woodford,

—76

Resolved, That the title thereof be as aforesaid.

Mr. Wilson moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

And then the House adjourned until 3 o'clock.

AFTERNOON SESSION.

The House met at 3 o'clock pursuant to a resolution heretofore adopted.

A message was received from the Senate announcing that they had adopted a joint resolution and passed bills of the following titles:

1. S. Res. and Resolution for the benefit of the widow of the late Hon. G. W. Hickman.

2. S. B. 44. An act to provide for the appointment of two additional inspectors of coal mines and to provide for the examination of applicants for certificates of qualification to serve as foremen in coal mines and require that persons possessing such certificates of qualification or possessing service certificates shall be employed as such foremen and to require the employment of special shot firers in coal mines wherein explosive gases or coal dusts generate or exist in dangerous quantities and to otherwise provide for greater protection to the lives and health of persons employed in the coal mines of this state.

3. S. B. 136. An act to amend and re-enact section 1741 of the Kentucky Stautes.

4. S. B. 154. An act providing for stenographic reports of trials in examining courts.

5. S. B. 168. An act amending the law governing the Kentucky Confederate home.

6. S. B. 216. An act concerning education, and to dedicate this purpose the lot of grounds and buildings known as the old State Capitol in Frankfort, Kentucky.

7. S. B. 235. An act to amend section 3588, sub-division 11,

Chapter 89, Kentucky Statutes, relating to public schools of municipal corporations of the fourth class.

8. S. B. 255. An act to amend an act entitled, An act to amend certain sections of the common school law and providing for the more efficient management of the common schools, and known as section 4369 of the Kentucky Statutes.

9. S. B. 270. An act to amend Chapter 4 of the acts of the General Assembly of the year 1906, entitled, An act to create the thirty-third district of Kentucky and to change the twenty-sixth twenty-seventh and twenty-eighth circuit court judicial districts of Kentucky, and to provide for the holding of courts in the said twenty-sixth, twenty-seventh, twenty-eighth and thirty-third districts and to provide for judges and commonwealths attorneys, and changing the time of holding the courts in the several counties of the twenty-seventh district of Kentucky only.

Said resolution and bills were ordered to be printed and referred:

1. To the Committee on Claims.
2. To the Committee on Mines and Mining.
3. To the Committee on Kentucky Statutes.
4. To the Committee on County and City Courts.
5. To the Committee on Charitable Institutions.
6. To the Committee on Education No. 2.
7. To the Committee on Cities of the Fourth, Fifth and Sixth Classes.
8. To the Committee on Education No. 1.
9. To the Committee on Circuit Courts.

The House took up for consideration the unfinished business from yesterday afternoon's session, to-wit: a bill entitled:

H. B. 2. An act to repeal an act entitled, An act to promote the sheep industry and provide a tax on dogs, approved March 1st, 1906.

(For bill and substitute see yesterday's Journal.)

The motion made by Mr. Klair on yesterday to lay on the table the motion of Mr. Haswell to reconsider the vote by which said bill was ordered to its third reading was disagreed to.

The motion of Mr. Haswell to reconsider the vote by which the House ordered said bill to its third reading was agreed to.

Mr. Hannah moved to reconsider the vote by which the substitute to said bill was disagreed to.

Said motion was agreed to.

Mr. Hannah offered the following amendment to the substitute:

Insert after the word "expedient" in the proposed amendment to section 4 of the bill proposed to be amended the following words: The County Assessor shall be paid out of the taxes collected under this act the sum of three cents for each dog assessed. Also to insert the same words at the close of said substitute.

Said amendment was agreed to.

Said substitute as amended was then agreed to.

The yeas and nays being required thereon by Messrs. S. A. Smith and Hannah were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	F. M. Hutcheson, Jr.,	J. F. Porter,
Elliott B. Beard,	J. H. Jackson,	Isaac G. Rice,
P. W. Berkshire,	T. C. Jackson,	Gus W. Richardson,
F. Pierce Blair,	W. H. Jones,	H. A. Schoberth,
O. Houston Brooks,	W. L. Kimbrough,	W. H. Shanks,
Frank J. Brown,	Cleves G. Kinkead,	John T. Shanklin,
W. N. Brown, Jr.	A. T. Knox,	S. Albert Shanklin,
J. T. Buford,	A. T. Lee,	Robert C. Simmons,
J. Will Clay,	E. W. Lillard,	John S. Steers,

H. K. Cole,	Jasper D. Lowder,	R. E. Stewart,
Dr. C. F. Crecelius,	J. B. Maynard,	W. H. Strange,
Henry H. Denham,	Emanuel Meyer,	J. A. Sullivan,
Thurman B. Dixon,	Jesse F. Nichols,	D. P. Taggart,
W. F. Edmunds,	A. C. Oliver,	C. S. Templeman,
Robert Enlow,	G. W. Parrott,	E. E. Wash,
Thos. E. Finley,	C. C. Patrick,	Harry Weitkamp,
F. E. Graves,	Samuel J. Patrick,	W. R. Whitlow,
C. W. G. Hannah,	W. V. Perry,	W. C. Wynn,
W. W. Hopkins,	John C. Pirtle,	Geo. S. Wilson,
R. Dillard Hunter,		—58

Those who voted in the negative were—

Robert H. Anderson,	R. L. Gwathmey,	John L. Smith,
O. P. Applegate	W. J. Jackson,	Sawyer A. Smith,
Louis W. Arnett,	W. F. Klair,	J. W. Stump,
J. W. Berkshire,	Hugh Mahin,	J. B. Swann,
Albert Butler,	Wm. S. Markolf,	Eugene W. Tandy,
C. C. Chase,	H. L. Myers,	Wm. M. Thompson,
Denver B. Cornett,	Duncan Milliken,	Geo. C. Waggoner,
John T. Davis,	G. L. Perryman,	John P. Wallace,
Wm. E. Dowling,	G. T. Reynolds,	J. Hal. Woodford,
J. A. Duff,	J. A. Sloan,	—29

Ordered, that said bill as amended by said substitute be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed wth and the same beng engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	John P. Haswell, Jr.,	J. F. Porter,

Robert H. Anderson,
Louis W. Arnett,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
Albert Butler,
C. C. Chase,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
Henry H. Denham,
Thurman B. Dixon,
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
Thos. E. Finley,
S. L. Givan.
F. E. Graves,
C. W. G. Hannah,
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
J. B. Maynard,
Emanuel Meyer,
H. L. Myers,
A. C. Oliver,
Jesse F. Nichols,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
S. Albert Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. A. Sullivan,
D. P. Taggart,
C. S. Templeman,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson—74

Those who voted in the negative were—

O. P. Applegate
J. W. Berkshire,
Wm. E. Dowling,
R. L. Gwathmey,
W. F. Klair,
Hugh Mahin,
Wm. S. Markolf,
Duncan Milliken,
J. W. Stump,
J. B. Swann,
Eugene W. Tandy,
Wm. M. Thompson,
Geo. C. Waggoner,
J. Hal. Woodford,
—14

Resolved, That the title of said bill be as follows:

An act to amend an act entitled, An act to promote the sheep industry and provide a tax on dogs, approved March 1st, 1906.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 16. An act to amend section 3948, Chapter 104, Kentucky Statutes.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3948, chapter 104, Kentucky Statutes, be, and the same is hereby amended, to-wit: By inserting after the word "county" where it first appears in said section, the words "not having a population of seventy-five thousand or more," and by inserting in said section after the word "justice" therein, the words, "and the fiscal court of each of said counties shall annually appropriate of the county funds a sum sufficient to purchase the labor and materials necessary to keep the public property aforesaid in repair, and in clean, comfortable and presentable condition, and heat and light the same; said sum so appropriated to be expended by the jailer for the purposes aforesaid;" so that said section when so amended shall read:

"The jailer of each county not having a population of seventy-five thousand or more shall be superintendent of public square, court house, clerks' offices, jail, stray pen and other public buildings at the seat of justice, and to the fiscal court of each of said counties shall annually appropriate, of the county funds, a sum sufficient to purchase the labor and materials necessary to keep the public property aforesaid, including the jailer's residence, if owned by the county, in repair and in clean, comfortable and presentable condition, and heat and light the same; said sum so appropriated to be expended by the jailer for the purposes aforesaid; he shall have the power and it shall be his duty to institute and carry on the appropriate civil procedure in the name of the county to recover possession of and for injury to, or intrusion or trespass which may be committed on any of the county property named in this chapter, the net proceeds of any such recovery shall be paid to the county court in aid of the county levy."

§ 2. This act shall not apply to the counties having therein, circuit courts of continuous session.

§ 3. All acts in conflict or inconsistent herewith are hereby repealed.

§ 4. This act shall take effect from and after its passage and approval.

Mr. Graves offered the following amendment to said bill: Amend section 2 by adding to said section at the end thereof the words "or containing cities of the second class."

Said amendemnt was agreed to.

Ordered, That said bill be read the third time.

The provisions of the constitution as to the third reading of said bill at length being dispensed with, said bll was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	W. W. Hopkins,	Isaac G. Rice,
O. P. Applegate	F. M. Hutcheson, Jr.,	Gus W. Richardson,
Elliott B. Beard,	W. Harrison Isaacs,	H. A. Schoberth,
J. W. Berkshire,	J. H. Jackson,	W. H. Shanks,
P. W. Berkshire,	W. J. Jackson,	John T. Shanklin,
F. Pierce Blair,	T. C. Jackson,	S. Albert Shanklin,
O. Houston Brooks,	W. H. Jones,	Robert C. Simmons,
Frank J. Brown,	W. F. Klair,	John L. Smith,
W. N. Brown, Jr.	W. L. Kimbrough,	John S. Steers,
J. T. Buford,	Cleves G. Kinkead,	R. E. Stewart,
Albert Butler,	E. W. Lillard,	W. H. Strange,
C. C. Chase,	Hugh Mahin,	J. A. Sullivan,
J. Will Clay,	Wm. S. Markolf,	J. B. Swann,
W. A. Cope,	J. B. Maynard,	D. P. Taggart.

Denver B. Cornett,	Emanuel Meyer,	Eugene W. Tandy,
Dr. C. F. Crecelius,	Duncan Milliken,	C. S. Templeman,
John T. Davis,	Jesse F. Nichols,	Wm. M. Thompson,
W. A. B. Davis,	A. C. Oliver,	Geo. C. Waggoner,
Thurman B. Dixon,	G. W. Parrott,	John P. Wallace,
Wm. E. Dowling,	Samuel J. Patrick,	E. E. Wash,
J. A. Duff,	W. V. Perry,	Harry Weitkamp,
Robert Enlow,	G. L. Perryman,	W. R. Whitlow,
S. L. Givan,	John C. Pirtle,	W. C. Wynn,
F. E. Graves,	J. F. Porter,	Geo. S. Wilson,
R. L. Gwathmey,	R. S. Rector,	J. Hal. Woodford,
C. W. G. Hannah,	G. T. Reynolds,	—84

Those who voted in the negative were—

C. C. Patrick, A. T. Knox—2

Resolved, That the title thereof be as aforesaid.

Mr. Wilson moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 266. An act making it a misdemeanor for any person, company or corporation engaged in operating a coal mine to permit any person to work in a room of his, its or their coal mine, who has not had two years' experience with a practical miner, or unless such person be accompanied by some other person in such work who has had two years' experience as a practical miner, and fixing a penalty for the violation of the same.

Together with the substitute proposed therefrom by the Committee on Mines and Mining.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, from and after the passage of this act, it shall be unlawful for any person, company or corporation engaged in operating a coal mine in this State, to allow or permit any person to work in a room of his, its or their coal mine unless such person has worked at least two years with, or as, a practical miner, or unless he be accompanied in such work with some other person who has had at least two years' experience as a practical miner.

§ 2. Any person, company or corporation who violates this act shall be guilty of a misdemeanor, and, upon conviction, shall be fined in any sum, not less than ten dollars, nor more than fifty dollars, for each day any such person is allowed or permitted to work in his, its or their mine.

Said substitute is as follows:

An act making it a misdemeanor for any person, company or corporation engaged in operating a coal mine to permit any person to work in a room of his, its or their coal mine, who has not had one year's experience with or as a practical miner, or unless such person be accompanied by some other person in such work who has had one year's experience as a practical miner and fixing a penalty for the violation of same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act it shall be unlawful for any person, company or corporation engaged in operating a coal mine in this State to knowingly allow or permit any person to work in a room of his, its or their coal mine unless such person has worked at least one year with or as a practical miner, or unless he

be accompanied in such work with some other person who has had at least one year's experience as a practical miner.

§ 2. Any person, company or corporation who violates this act shall be guilty of a misdemeanor, and any person who engages in work in a room of any coal mine in this State unless he has had one year's experience with or as a practical miner, or unless he be accompanied in such work with some other person who had one year's experience as a practical miner shall be guilty of a misdemeanor, and upon conviction, either or both, shall be fined in any sum not less than ten dollars nor more than fifty ($50.00) dollars for each day he or they violate this act.

Said substitute was agreed to.

Ordered, That said bill as amended be engrossed and read the third time.

The provisions of the constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	F. M. Hutcheson, Jr.,	Gus W. Richardson,
O. P. Applegate	W. Harrison Isaacs,	H. A. Schoberth,
J. W. Berkshire,	J. H. Jackson,	W. H. Shanks,
P. W. Berkshire,	W. J. Jackson,	Robert C. Simmons,
O. Houston Brooks,	W. H. Jones,	J. A. Sloan,
Frank J. Brown,	W. F. Klair,	John L. Smith,
W. N. Brown, Jr.	Cleves G. Kinkead,	John S. Steers,
J. T. Buford,	A. T. Knox,	R. E. Stewart,
Albert Butler,	E. W. Lilliard,	W. H. Strange,
C. C. Chase,	Hugh Mahin,	J. W. Stump,
J. Will Clay,	Wm. S. Markolf,	J. A. Sullivan,
H. K. Cole,	J. B. Maynard,	J. B. Swann,
Dr. C. F. Crecelius,	Emanuel Meyer,	D. P. Taggart,
W. A. B. Davis,	H. L. Myers,	

Thurman B. Dixon,	Duncan Milliken,	Eugene W. Tandy,
Wm. E. Dowling,	Chris Mueller,	C. S. Templeman,
J. A. Duff,	Jesse F. Nichols,	Geo. C. Waggoner,
Robert Enlow,	G. W. Parrott,	John P. Wallace,
Thos. E. Finley,	Samuel J. Patrick,	E. E. Wash,
F. E. Graves,	W. V. Perry,	Harry Weitkamp,
C. W. G. Hannah,	John C. Pirtle,	W. C. Wynn,
Robert L. Harris,	R. S. Rector,	Geo. S. Wilson,
John P. Haswell, Jr.,	G. T. Reynolds,	J. Hal. Woodford,

—68

Those who voted in the negative were—

F. Pierce Blair,	A. T. Lee,	G. L. Perryman,
Denver B. Cornett,	Jasper D. Lowder,	Isaac G. Rice,
John T. Davis,	A. C. Oliver,	John T. Shanklin,
W. W. Hopkins,	C. C. Patrick,	S. Albert Shanklin,

—12

Resolved, That the title thereof be as follows:

An act making it a misdemeanor for any person, company or corporation engaged in operating a coal mine to permit any person to work in a room of his, its or their coal mine, who has not had one year's experience with or as a practical miner, or unless such person be accompanied by some other person in such work who has had one year's experience as a practical miner, and fixing a penalty for violation of same.

Mr. Wilson moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 344. An act relating to the time manner and mode of probating wills.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter when any one desires to offer to the county court of the proper county, any instrument of writing purporting to be the last will and testament of any deceased person, it shall be the duty of such person so offering such writing for probate or the propounder of such will, to file with the county clerk his own affidavit, or that of some one whose interests are affected by the provisions of said will, which affidavit shall disclose the nature of such interest, setting forth that the names of all persons whose interests are or will be affected by the probation of such will, or who would inherit any of the property disposed of thereby, giving the place of their respective residence or residences, their ages, whether above or below 21 years of age, and whether such persons are under any disability; and if so the nature and character of such disability.

§ 2. Upon the filing of such affidavit before said clerk the county judge of such county shall immediately cause to be issued by the clerk a summons against all persons whose names are disclosed thereby, and who are not propounders of such will, summoning them to appear before the next term of the county court of said county, which does not begin in less than ten days, if residents of the county, or twenty days if residents of other parts of this State, and show cause why said will should not be probated. At the next term of the county court which does not begin in less than ten days, if residents of the county, or in less than twenty days if residents elsewhere in this State, said county court shall proceed in the probation of said will as in the trial of civil actions—the burden of proof being on the propounders—and shall determine the probation of said will according to the facts and circumstances proven. Nothing herein shall be construed as dispensing with the necessity of proving said will as now required by law in the event no one appears to oppose the probation thereof.

§ 3. Should said affidavit disclose the disability of some person or persons affected by said will, except coverture or infancy and coverture combined, or who is a non-resident of this State, it shall be the duty of the county court to appoint some member of the bar in active practice of the county where said will is offered for probate as guardian-ad-litem for such person under such disability or non-resident. Attorney for such persons as are non-residents of this State, to defend and oppose the probation of such will and the summons herein before required shall be served upon him.

§ 4. It shall be the duty of such guardian-ad-litem or non-resident attorney to attend the court at the time named in the summons and defend for said persons under disability or non-resident and opposed the probation of said will if, in his opinion, the interests of those whom he represents are adversely affected and the merits of the case require it. Should said guardian-ad-litem or non-resident attorney deem the judgment of the court unjust to those whom he represents, it shall be his duty within twelve months after said judgment, to take an appeal from the judgment of the county court to the circuit court of the county and from there to the court of appeals without being required to give any bond or becoming personally responsible for the costs. It shall be the duty of any of said courts, upon motion, to allow said attorney such fee as it deems just and reasonable for his services rendered in such court, which fee shall be a claim against the estate. Nothing herein shall be construed as lessening or affecting the time in which other persons may take an appeal as now provided by law, or the right of such person under disability to take an appeal after the disability is removed.

§ 5. Should the affidavit herein provided for fail to disclose that there are persons under disability, other than coverture or infancy and coverture combined, then it shall be within the discretion of the county court whether a summons shall issue against those interested or affected by the proposed will or not.

§ 6. All laws and parts of laws in conflict herewith are hereby repealed.

Ordered, That said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
J. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
C. C. Chase,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Dr. C. F. Crecelius,
Thurman B. Dixon,
J. A. Duff,
W. F. Edmunds,
S. L. Givan,
F. E. Graves,
John P. Haswell, Jr.,
F. M. Hutcheson, Jr.,
W. Harrison Isaacs,
J. H. Jackson,
W. H. Jones,
W. F. Klair,
Cleves G. Kinkead,
A. T. Knox,
E. W. Lillard,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
Emanuel Meyer,
H. L. Myers,
Chris Mueller,
Jesse F. Nichols,
Samuel J. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
Gus W. Richardson,
W. H. Shanks,
John T. Shanklin,
S. Albert Shanklin,
J. A. Sloan,
John L. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
D. P. Taggart,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson—57

Those who voted in the negative were—

W. C. Wynn—1

Resolved, That the title thereof be as aforesaid.

Mr. Wilson moved that the vote by which said bill was passed be reconsidered and and that said motion be laid on the table.

Said motion was agreed to.

Mr. Frank J. Brown, of the Committee on Public Monuments and Historical Records, to which the same had been referred, reported a bill entitled:

S. B. 84. An act appropriating ten thousand dollars for the purpose of restoring the monument to Henry Clay in the Lexington cemetery.

Said bill was read the first time at length and ordered to be placed on the calendar.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 364. An act to amend an act for the government of cities of the first class, approved July 1st, 1893, and especially section 239 of said act, being section 3025 of the Kentucky Statutes.

Pending the consideration of said bill, the hour of five o'clock having arrived, the House stood adjourned.

THURSDAY, MARCH 12, 1908.

The Chief Clerk of the House produced and read the following communication, viz.:

Frankfort, Ky., March 12, 1908.

James E. Stone,
Chief Clerk House of Representatives.

Dear Sir:—I hereby designate Hon. George S. Wilson, of Union

county, to act as Speaker pro tem for the day and until such time as I may designate another in his stead.

W. J. GOOCH,
Speaker.

The House was opened with prayer by Rev. W. E. Simms, of the Methodist Episcopal Church, South.

The reading of the Journal of yesterday's proceedings was dispensed with.

A message was received from the Senate announcing that they has passed bills of the following titles:

1. S. B. 31. An act to authorize the trustees of the jury fund to pay persons summoned as jurors in this Commonwealth.

2. S. B. 173. An act appropriating $2,500 to assist in marking the birthplace of Jefferson Davis.

3. S. B. 207. An act to further regulate assessment fire insurance companies.

4. S. B. 253. An act to amend an act amending section 965 of the Kentucky Statutes relating to the time of holding circuit courts in the eight judicial district, which amendment was approved March 17, 1906.

Said bills were ordered printed and referred:

1. To the Committee on Kentucky Statutes.
2. To the Committee on Appropriations.
3. To the Committee on Insurance.
4. To the Committee on Circuit Courts.

The Committee to which the same had been referred, reported bills of the following titles:

By Mr. J. H. Jackson, of the Committee on Education No. 2:

S. B. 76. An act to amend an act entitled, An act to create a State school book commission and a county school book commission, to procure for use of the public schools of this Commonwealth a uniform series of text books and to define the duties and powers of said commission, to fix the maximum prices of said text books, to make preparation for carrying this act into effect and providing penalties for a violation of the same, being chapter 3 of the acts of 1904.

By Mr. Richardson, of the Committee on Charitable Institutions:

S. B. 254. An act for the benefit of the Kentucky School for the Deaf.

By Mr. John L. Smith, of the Committee on State Prisons and Houses of Reform:

S. B. 145. An act to amend an act entitled, An act to amend an act to amend and re-enact as amended section 1 of an act to provide for the operating expenses of the Houses of Reform, approved March 15, 1898, which act was approved March 21, 1902.

By same:

S. B. 146. An act to appropriate money for the benefit of the Houses of Reform, to provide funds to pay the existing deficit and to make improvements at the Houses of Reform.

By Mr. Brooks, of the Committee on Cities of the Fourth, Fifth and Sixth Classes:

S. B. 175. An act to amend section 78 of an act entitled, An act for the government of cities of the fourth class, approved June 28, 1893, said section being 3562 of the Kentucky Statutes, 1903 edition.

By Mr. Perry, of the Committee on Codes of Practice:

S. B. 17. An act amending and re-enacting section 74 of title five of the Civil Code of Practice.

By Mr. Simmons, of the Committee on Judiciary:

S. B. 221. An act to amend and re-enact sections 12, 13, 14, 17, 18, 19, 20, and 26 of an act entitled, An act concerning conveyances, approved April 22, 1893, and being sections 501, 502, 503, 506, 507, 508 and 514, chapter 29 of Kentucky Statutes, compiled by John D. Carroll, and issued in 1903, and to amend and re-enact section 1 of an act entitled, An act to cure certain defective certificates of proof deeds and to make copies from the records prima facie evidence in the courts and tribunals of this State, approved March 24, 1902, and being section 519a of said Statutes.

By Mr. Klair, of the Committee on Municipalities:

S. B. 79. An act to amend section 2 of an act entitled, An act to regulate burial associations, corporations and companies doing business in the State of Kentucky, which act became a law March 24, 1906, without the approval of the Governor.

By same:

S. B. 200. An act to amend section 3 of article 5 of an act entitled, An act for the government of cities of the second class in the Commonwealth of Kentucky, which was approved March 19, 1894, and which is now section 3108 of the Kentucky Statutes.

By Mr. Oliver, of the Committee on Immigration and Labor:

S. B. 190. An act providing vacations for guards at the penitentiaries and Houses of Reform.

By Mr. P. W. Berkshire, of the Committee on Internal Improvements:

S. Res. 5. Resolution providing for the appointment of a commission of five members from the present General Assembly to be made known as the Good Roads Commission, whose duty it

shall be to devise ways and means to this end to prepare and submit to the next General Assembly of Kentucky any bill or bills as will in their judgment when enacted into laws bring to Kentucky the best system of public roads at the least possible cost, and providing for their necessary expenses.

Said bills and resolution were severally read the first time at length and ordered to be placed on the calendar.

Mr. Klair moved that a committee of one be appointed, whose duty it shall be to wait upon the public printer or contractor for the public printing and ascertain why a bill entitled:

S. B. 41. An act declaring it unlawful and providing penalties for any person to provide, open, control, manage or keep any room, vessel, building or float on the premises in this Commonwealth wherein any persons may assemble and congregate to bet and wager money upon horse races and other contests run and decided in this State or any other State or country, or to aid or abet another in so doing, or to assemble or bet or wager thereon.

Which was heretofore delivered to him by the Clerk of this House, has not been printed and the original returned to the Clerk of this House, and if possible to, obtain said original bill or a regularly certified or authenticated copy thereof that the same may be taken up and considered by this House.

Said motion was agreed to.

Thereupon the Speaker pro tem appointed Mr. Klair as such committee.

Mr. Simmons, of the Committee on Judiciary, to which the same had been recommitted, reported a bill, entitled:

H. B. 76. An act to amend an act approved March 13, 1906, entitled, An act to amend an act entitled, An act for the government of the cities of the second class in the Commonwealth of Kentucky, approved March 13, 1894.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved March 13, 1906, entitled "An Act to amend an act entitled 'An Act for the Government of Cities of the Second Class in the Commonwealth of Kentucky,' approved March 19, 1894," be, and the same is, amended by repealing section 3 thereof and by enacting the following in lieu thereof: "Whenever it is deemed advisable to annex any city of the second, third or fourth class to the city, the general council of the city proposing to annex such city shall pass an ordinance or resolution declaring it desirable to annex the same and providing that the question of whether or not such city be annexed shall be submitted to the qualified voters thereof at the next regular election to be held therein. The mayor of the city proposing to annex shall certify the action of the city to the county clerk of the county, who shall, on the ballots provided for use in the city proposed to be annexed, have printed thereon the question: 'Are you in favor of annexing to the city of_____?' Filling in the blank with the name of the city proposing to annex, and opposite said question he shall print "Yes" and "No," with the proper squares for stamping the cross mark to indicate preference. If a majority, or more, of those voting on the proposition shall vote in favor of annexing, then the city proposing to annex shall pass an ordinance declaring such city annexed, and such city shall therefrom become a part of the city."

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in

accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Robert H. Anderson,
O. P. Applegate
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
Dr. C. F. Crecelius,
John T. Davis,
Wm. E. Dowling,
Robert Enlow,
Thos. E. Finley,
F. E. Graves,
C. W. G. Hannah,
R. Dillard Hunter,
F. M. Hutcheson, Jr.,
J. H. Jackson,
W. J. Jackson,
W. F. Klair,
Cleves G. Kinkead,
E. W. Lillard,
Hugh Mahin,
W. C. McChord,
Duncan Milliken,
Jesse F. Nichols,
C. C. Patrick,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
S. Albert Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
John S. Steers,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
Geo. S. Wilson,
J. Hal. Woodford,
—52

Those who voted in the negative were—

Louis W. Arnett,
C. C. Chase,
J. Will Clay,
H. K. Cole,
W. A. B. Davis,
John P. Haswell, Jr.,
W. W. Hopkins,
Jasper D. Lowder,
G. L. Perryman,
Sawyer A. Smith,
R. E. Stewart—11

Resolved, that the title thereof be as aforesaid.

The House took up for consideration from the calendar bills and a resolution of the following titles:

S. B. 84. An act appropriating $10,000 for the purpose of restoring the monument to Henry Clay in Lexington cemetery.

H. B. 417. An act to regulate the charges for transportation of freight and passengers by steamboat or other common carriers upon the waters wholly within the State of Kentucky and to further increase and define the powers and duties of the Railroad Commission.

H. Res. 11. Resolution authorizing the appointment of Commissioners to represent the State at the centenary of the birth of Abraham Lincoln, February 12, 1909, and appropriating money to pay their expenses.

Ordered, that said bills and resolution be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles.

Ordered, that said bills and resolution be placed in the orders of the day.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 200. An act to amend section 3 of an act approved March 24, 1904, entitled, An act to define the duties of the County Surveyor.

With an amendment thereto proposed by the Committee on County and City Courts.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3 of an act, entitled "An act to define the duties of the County Surveyor," as recorded on page 264 of the 1904 acts, and reads as follows:

"The surveyor shall be made a member of a committee or com-

missioners appointed by the court to locate, inspect, care for and report on bridges and other public improvements, be, and the same is hereby, amended so that said section shall read as follows:

"It shall be the duty of the County Surveyor to locate, inspect and superintend the building of all bridges and other public improvements, and he shall make a written report at both the spring and fall term of the fiscal court, and shall be allowed a reasonable salary by the fiscal court for his services, to be paid from the county levy."

The amendment as proposed by the Committee on County and City Courts is as follows:

Amend by striking out the word "salary" and insert in lieu thereof the word "compensation;" and add at the close of said bill after the word "levy" the words "not to exceed five dollars per day."

Said amendment was agreed to.

Ordered, that said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	S. L. Givan,	J. F. Porter,
Robert H. Anderson,	F. E. Graves,	R. S. Rector,
O. P. Applegate	R. L. Gwathmey,	G. T. Reynolds,
Louis W. Arnett,	C. W. G. Hannah,	Isaac G. Rice,
J. W. Berkshire,	John P. Haswell, Jr.,	Gus W. Richardson,
P. W. Berkshire,	W. W. Hopkins,	H. A. Schoberth,

F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
Albert Butler,
C. C. Chase,
J. Will Clay,
H. K. Cole,
Denver B. Cornett,
Dr. C. F. Crecelius,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
John Feland,
Thos. E. Finley,
R. Dillard Hunter,
F. M. Hutcheson, Jr.,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Duncan Milliken,
Garfield Moore,
Chris Mueller,
Jesse F. Nichols,
C. C. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
W. H. Shanks,
John T. Shanklin,
S. Albert Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
J. W. Stump,
J. A. Sullivan,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
W. R. Whitlow,
Geo. S. Wilson—74

Those who voted in the negative were—

G. W. Parrott,
W. C. Wynn—2

Resolved, that the title thereof be as aforesaid.

Mr. Beard moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 32. An act to authorize under certain conditions and restrictions the use of public highways, roads and turnpikes by persons, firms or corporations engaged in the manufacture, transmission and distribution of electricity for lighting, heating and power purposes.

With an amendment heretofore proposed thereto by way of substitute therefor by the committee on Corporate Institutions.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person, firm or corporation, authorized under the laws of this State to conduct the business of producing and supplying electricity for purposes of light, heat and power, and which shall be engaged, or which shall hereafter desire to engage in the business of the transmission of such electricity, shall have the right to construct and maintain transmission lines for use in the transmission and distribution of electricity on, along or across any highway, public road or turnpike, and over, under or across any of the waters of this State, and to construct and maintain in any highway, public road or turnpike all such erections and appliances as shall be necessary to transform, convert and apply such electricity to the purpose of lighting, heating and power, and to distribute and deliver same to the persons, firms and public or private corporations using the same: Provided, That the fixtures of said company shall not interfere with the travel on and along said highways, public roads or turnpikes, nor obstruct the navigation of said waters, and that the location of all transmission lines shall be subject to the reasonable direction and regulation of the authorities having control of the highways, public roads, turnpikes and waters through and over which such lines are constructed, or proposed to be constructed: And, provided, further, That nothing in this act shall be construed to prevent the property owners from obtaining damages for such rights.

§ 2. The provisions of this act shall not apply to any incorporated town or city.

Said substitute is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person, firm or corporation authorized under the laws of this State to conduct the business of producing and supplying by water power electricity for purposes of light, heat and power and which shall be engaged or which shall hereafter desire to engage in the business of the transmission of such electricity, after making just compensation shall have the right, to construct and maintain transmission lines for use in the transmission and distribution of electricity, on, along or across any of the waters of this State, and to construct and maintain along any highways, public roads or turnpike, all such erections and appliances as shall be necessary to transform, convert and apply such electricity to the purposes of lighting, heating and power, and to distribute and deliver same to the persons, firms and public or private corporations using the same; Provided, That the fixtures of said company shall not interfere with, obstruct or endanger the travel on and along said highways, public roads or turnpikes, nor obstruct the navigation of said waters, and that the location of all transmission lines shall be subject to the reasonable direction and regulation of the authorities having control of the highways, public roads, turnpikes and waters through and over which lines are coustructed, or propos edto be constructed, and shall be so located as not to interfere with existing telegraph or telephone lines or their use; and, provided further, that nothing in this act shall be construed to prevent the property owners from obtaining damages for such rights.

§ 2. If such firm, person or corporation cannot obtain the rights of way for said transmission and distribution by contract, then the compensation to be paid therefor shall be ascertained and paid in the manner as provided in sections 835 to 840 inclusive

of the Kentucky Statutes for the condemnation of land by railroad companies.

§ 3. The provisions of this act shall not apply to any incorporated town or city nor to any line of railway operated by steam, electricity, or other motive power.

Said substitute was agreed to.

Ordered, that said bill be read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Robert H. Anderson,
O. P. Applegate
Louis W. Arnett,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
J. Will Clay,
H. K. Cole,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
W. W. Hopkins,
F. M. Hutcheson, Jr.,
W. Harrison Isaacs,
W. J. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
W. C. McChord,
Emanuel Meyer,
Duncan Milliken,
Chris Mueller,
G. W. Parrott,
G. T. Reynolds,
Isaac G. Rice,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
S. Albert Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
R. E. Stewart,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,

Thurman B. Dixon,	C. C. Patrick,	E. E. Wash,
J. A. Duff,	Samuel J. Patrick,	W. R. Whitlow,
Robert Enlow,	W. V. Perry,	W. C. Wynn,
S. L. Givan,	G. L. Perryman,	Geo. S. Wilson,
R. L. Gwathmey,	John C. Pirtle,	J. Hal. Woodford,
C. W. G. Hannah,	J. F. Porter,	—76
John P. Haswell, Jr.,	R. S. Rector,	

Resolved, that the title thereof be as follows:

An act to authorize, under certain conditions and restrictions, the use of the public highways, roads and turnpikes by persons, firms or corporations engaged in the business of producing and supplying by water power, electricity for lighting and heating purposes.

Mr. Beard moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 91. An act to create a board of State Bank Examiners, defining their duties, regulating the manner of appointment and removal, and authorizing the examination of all banks, trust companies and combined banks and trust companies organized under the laws of this Commonwealth.

Together with the amendment proposed thereto by the Committee on Banks and Banking by way of substitute therefor.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is created a Board of Bank Examiners which shall be composed of two competent and suitable persons, who shall

be appointed by the Governor with the advice and consent of the Senate, and who shall be selected one from each of the two political parties casting the highest vote in the last general State election.

During each regular session of the Geenral Assembly one State Bank Examiner shall be so appointed, who shall hold office for four years from the first day of May following his appointment and confirmation by the Senate; provided, however, that the terms of office of the first two State Bank Examiners, who shall be appointed under this act shall begin on July 1, 1908, and one of them shall be appointed for a term of two years and the other for a term of four years.

All appointmetns shall be made, and vacancies filled, under this act, by the Governor, until the next regular session of the General Assembly, when they shall be made or filled by the Governor with the advice and consent of the Senate.

§ 2. That each State Bank Examiner shall visit and examine annually, or oftener, if required by the Secretary of State, every State bank, saving bank, and every combined bank and trust company, organized under the laws of this State, in the persence of one or more of its officers, to ascertain whether it has been managed according to law; he shall have power to make a thorough examination into all its affairs, and in doing so, to examine any of its officers or agents on oath, and shall, without delay, make a full report of the condition thereof to the Secretary of State.

A State Bank Examiner shall not impart any information obtained by him in the course of the examination made by him, except so far as may be necessary in the performance of his official duties.

§ 3. That the State of Kentucky is divided into two State Bank Examiner's Districts, one of which is called the Eastern District and the other the Western District, and which districts respectively shall correspond with and include the same counties constituting the Eastern and Western Kentucky State Normal School Districts,

and the Secretary of State shall prescribe the order in which each Bank Examiner shall examine the institutions in said two districts; but no institution shall be twice examined in succession by the same examiner, unless so directed by the Secretary of State.

§ 4. That the Governor may remove a State bank examiner for incompetency, neglect of duty, or other good cause.

§ 5. That no officer of any bank, savings bank or trust company, or combined bank and trust company shall be eligible to hold the office of, or act as State bank examiner, and if any State bank examiner become indebted to any bank, savings bank, trust company, or combined bank and trust company chartered under the laws of this State, or shall engage or become interested in the sale of securities as a business, or in the negotiation of loans for others, his office shall become vacant.

The cashier, secretary or treasurer, as the case may be, of any of said institutions to which a State bank examiner may become indebted, shall give immediate notice thereof to the Governor.

§ 6. Each examiner shall receive as compensation for his services the following sums, viz.: For examining any of said institutions having capital less than Fifty Thousand ($50,000.00) Dollars, $15.00; those having a capital of Fifty Thousand ($50,000.00) Dollars and less than One Hundred Thousand ($100,000.00) Dollars, $20,00; those having capital of One Hundred Thousand ($100,000.00) Dollars and less than Two Hundred Thousand ($200,000.00) Dollars, $25.00; those having a capital of Two Hundred Thousand ($200,000.00) Dollars and less than Three Hundred and Fifty Thousand ($350,000.00) Dollars, $35.00; those having a capital of Three Hundred and Fifty Thousand ($350,000.00) Dollars and less than Five Hundred Thousand ($500,000.00) Dollars, $45.00; those having a capital of Five Hundred Thousand ($500,000.00) Dollars and less than Six Hundred Thousand ($600,000.00) Dollars, $55.00; those having a capital of Six Hundred Thousand ($600,000.00) Dollars and

over, $65.00; which amount shall be assessed by the Secretary of State and paid by the respective institutions so examined.

Said substitute is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and is created a Board of State Bank Examiners which shall be composed of four competent and suitable persons. They shall be appointed by the Governor with the advice and consent of the Senate. Two shall be appointed from each of the two districts into which the State of Kentucky is divided as hereinafter set forth, and one shall be selected in each district from each of the two political parties casting the highest vote in the last previous general State election. They shall be residents and voters in the districts for which they are appointed.

During each regular session of the General Assembly two State Bank Examiners shall be so appointed, who shall hold office for four years from the first of May following their appointment and confirmation by the Senate, provided, however, that the term of office of the first four State Bank Examiners who shall be appointed under this act shall begin on July 1, 1908, and two of them shall be appointed for the term ending May 1, 1910, and the other for the term ending May 1, 1912.

All appointments shall be made and vacancies filled under this act by the Governor until the next regular session of the General Assembly when they shall be made or filled by the Governor with the advice and consent of the Senate.

§ 2. That each State Bank Examiner shall visit and examine annually, or oftener if required by the Secretary of State, every State bank, savings bank, every combined bank and trust company, and every trust company in his district organized under the laws

of this State in the presence of one or more of its officers to ascertain whether it has been managed according to law; he shall have power to make a thorough examination into all of its affairs and in doing so to examine any of its officers or agents on oath and shall without delay make a full report of the conditions thereof to the Secretary of State. The Secretary of State and the State Bank Examiners shall not impart any information obtained by them except so far as may be necessary in the performance of their official duties.

§ 3. That the State of Kentucky is divided into two State bank examiner's districts, one of which is called the Eastern District, and the other the Western District. The Eastern district shall contain the following counties: Anderson, Bath, Bell, Boone, Bourbon, Boyd, Boyle, Bracken, Breathitt, Campbell, Carroll, Carter, Clark, Clay, Clinton, Elliott, Estill, Fayette, Floyd, Fleming, Franklin, Gallatin, Garrard, Grant, Greenup, Harlan, Harrison Henry Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, Menefee, Mercer, Montgomery, Morgan, Nicholas, Oldham, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Shelby, Trimble, Wayne, Whitley, Wolf, and Woodford.

The Western District shall contain the following counties: Adair, Allen, Ballard, Barren, Breckenridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Casey, Christian, Crittenden, Cumberland, Davis, Edmonson, Fulton, Graves, Grayson, Green, Hancock, Hardin, Hart, Henderson, Hickman, Hopkins, Jefferson, Larue, Livingston, Logan, Lyon, Marion, Marshall, McCracken, McLean, Meade, Metcalfe, Monroe, Muhlenberg, Nelson, Ohio, Russell, Simpson, Spencer, Taylor, Todd, Trigg, Union, Warren, Washington and Webster.

The Secretary of State may prescribe the order in which each bank examiner shall examine the institutions in his district but

no institution shall be twice examined in succession by the same examiner unless so directed by the Secretary of State.

§ 4. That the Governor may remove a State Bank Examiner for incompetency, neglect of duty or other good cause.

§ 5. That no officer of any bank, savings bank, or trust company or combined bank and trust company shall be eligible to hold the office of, or to act as State Bank Examiner, and if any State Bank Examiner becomes indebted to any bank, savings bank, trust company or combined bank and trust company chartered under the laws of this State or shall engage or become interested in the sale of securities as a business or in the negotiation of loans for others his office shall become vacant. The Cashier, Secretary or Treasurer, as the case may be, of any of said institutions to which a State Bank Examiner may become indebted shall give immediate notice thereof to the Governor.

§ 6. Each Examiner shall receive as compensation for his services the following sums, viz: For examining any of said institutions having a capital of Fifteen Thousand ($15,000) Dollars, $15.00; those having a capital above Fifteen Thousand ($15,000) Dollars and up to and including Fifty Thousand ($50,000) Dollars, $20.00; those having a capital above Fifty Thousand ($50,000) Dollars and up to and including One Hundred Thousand ($100,000) Dollars, $25.00; those having a capital above One Hundred Thousand ($100,000) Dollars and up to and including Two Hundred Thousand ($200,000) Dollars, $30.00; those having a capital above Two Hundred Thousand ($200,000) Dollars and up to anad including Three Hundred and Fifty Thousand ($350,000) Dollars, $35.00; those having a capital above Three Hundred and Fifty Thousand ($350,000) Dollars and up to and including Five Hundred Thousand ($500,000) Dollars, $45.00; those having a capital above Five Hundred Thousand ($500,000) Dollars and up to and including Six Hundred Thousand ($600,000) Dollars, $55.00; those having a capital above Six Hundred Thousand ($600,000) Dollars, $65.00;

which amounts shall be assessed by the Secretary of State and paid by the respective institutions so and as they are examined.

Mr. Steers offered the following amendment to said substitute:

Amend section 2 of substitute for H. B. 91 by adding after the word "State" in the 9th line, the following: Nothing in this bill shall be construed to permit such inspectors or examiners to examine the individual ledger or private deposits of the customers of such banking institutions except to compare and to ascertain its correctness as shown by the general ledger or daily statement thereof, but in no case shall such inspectors or examiners be allowed to publish or report the depositors nor the amount of deposits of each customer of such bank or banking institutions.

Said amendment to the substitute was disagreed to.

Said substitute was disagreed to.

Ordered, that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and placed on its passage.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	F. M. Hutcheson, Jr.,	H. A. Schoberth,
Robert H. Anderson,	W. J. Jackson,	W. H. Shanks,
Louis W. Arnett,	T. C. Jackson,	Robert C. Simmons,
Elliott B. Beard,	W. F. Klair,	J. A. Sullivan,
J. T. Buford,	E. W. Lillard,	C. S. Templeman,
J. Will Clay,	W. C. McChord,	Wm. M. Thompson,
Thurman B. Dixon,	Duncan Milliken,	Harry Weitkamp,
Wm. E. Dowling,	Chris Mueller,	W. R. Whitlow,
W. F. Edmunds,	Jesse F. Nichols,	Geo. S. Wilson,
R. L. Gwathmey,	W. V. Perry,	J. Hal. Woodford,
R. Dillard Hunter,	J. F. Porter,	—32

Those who voted in the negative were—

O. P. Applegate	W. W. Hopkins,	G. T. Reynolds,
J. W. Berkshire,	W. Harrison Isaacs,	Isaac G. Rice,
P. W. Berkshire,	J. H. Jackson,	Gus W. Richardson,
F. Pierce Blair,	W. H. Jones,	John T. Shanklin,
W. N. Brown, Jr.	W. L. Kimbrough,	**J. A. Sloan,**
Albert Butler,	A. T. Knox,	John L. Smith,
C. C. Chase,	A. T. Lee,	Sawyer A. Smith,
H. K. Cole,	Jasper D. Lowder,	John S. Steers,
Denver B. Cornett,	Wm. S. Markolf,	R. E. Stewart,
Dr. C. F. Crecelius,	J. B. Maynard,	W. H. Strange,
W. A. B. Davis,	Emanuel Meyer,	J. W. Stump,
Henry H. Denham,	A. C. Oliver,	J. B. Swann,
J. A. Duff,	G. W. Parrott,	D. P. Taggart,
Robert Enlow,	C. C. Patrick,	Eugene W. Tandy,
Thos. E. Finley,	John C. Pirtle,	E. E. Wash,
S. L. Givan,	R. S. Rector,	W. C. Wynn—49
C. W. G. Hannah,		

And so said bill was rejected.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 19. An act to fix the salary of the Judges of the Circuit Courts of the State.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the annual salary of the Judges of the Circuit Court of the State be, and is hereby, fixed at four thousand dollars payable out of the State Treasury as the other salaries of the State are paid.

§ 2. That hereafter no Circuit Judge of this State shall appoint

to office or position any one related to him by blood or marriage.

§ 3. This act shall take effect on the first day of January, 1910.

§ 4. All laws and parts of laws in conflict herewith are hereby repealed.

Mr. Tandy offered the following amendment to said bill:

Strike out the words "four thousand" and insert in lieu thereof "three thousand."

Said amendment was disagreed to.

Mr. Rice offered the following amendment to said bill:

Strike out the words "four thousand" and insert in lieu thereof "thirty-five hundred."

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Porter and Brooks, were as follows, viz.:

Those who voted in the affirmative were—

Henry H. Denham,	Isaac G. Rice,	Geo. S. Wilson,
J. A. Duff,	Geo. C. Waggoner,	J. Hal. Woodford,

—6

Those who voted in the negative were—

A. A. Allphin,	R. Dillard Hunter,	John C. Pirtle,
Robert H. Anderson,	F. M. Hutcheson, Jr.,	J. F. Porter,
O. P. Applegate	W. Harrison Isaacs,	R. S. Rector,
Louis W. Arnett,	J. H. Jackson,	G. T. Reynolds,
Elliott B. Beard,	W. J. Jackson,	Gus W. Richardson,
P. W. Berkshire,	T. C. Jackson,	H. A. Schoberth,
F. Pierce Blair,	W. H. Jones,	W. H. Shanks,
O. Houston Brooks,	W. F. Klair,	John T. Shanklin,
W. N. Brown, Jr.	W. L. Kimbrough,	S. Albert Shanklin,

J. T. Buford,
Albert Butler,
C. C. Chase,
J. Will Clay,
H. K. Cole,
Denver B. Cornett,
Dr. C. F. Crecelius,
W. A. B. Davis,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
Thos. E. Finley.
S. L. Givan,
F. E. Graves,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
Duncan Milliken,
Chris Mueller,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
Samuel J. Patrick,
W. V. Perry,
Robert C. Simmons,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn—80

Ordered, that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title, and placed upon its passage.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson,
Louis W. Arnett,
Elliott B. Beard,
J. T. Buford,
J. Will Clay,
Denver B. Cornett,
John T. Davis,
F. M. Hutcheson, Jr.,
W. F. Klair,
Cleves G. Kinkead,
W. C. McChord,
Duncan Milliken,
Chris Mueller,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
Robert C. Simmons,
John S. Steers,
J. A. Sullivan,
Geo. S. Wilson,

Wm. E. Dowling, Jesse F. Nichols, J. Hal. Woodford,
F. E. Graves, W. V. Perry, —25

Those who voted in the negative were—

A. A. Allphin,
O. P. Applegate
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
W. N. Brown, Jr.
Albert Butler,
C. C. Chase,
H. K. Cole,
W. A. B. Davis,
Henry H. Denham,
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
Thos. E. Finley,
S. L. Givan,
R. L. Gwathmey,
C. W. G. Hannah,
John P. Haswell, Jr.,
R. Dillard Hunter,
W. Harrison Isaacs,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
W. L. Kimbrough,
A. T. Knox,
A. T. Lee,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
Emanuel Meyer,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
John T. Shanklin,
S. Albert Shanklin,
John L. Smith,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn—58

And so said bill was disagreed to.

Mr. Porter moved that the vote by which the House refused to pass said bill be reconsidered and that said motion lie on the table.

Said last motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 312. An act providing for removal of the remains of Thos. F. Marshall, and making an appropriation for the expense thereof.

Said bill is as follows:

Whereas, The remains of Thomas Francis Marshall lie buried on a farm once owned by him, about two miles from Versailles, Kentucky, and which is about to be sold, and said Marshall left no lineal descendants; and

Whereas, The said Marshall was several times a member of the General Assembly of Kentucky, a member of the Federal Congress from the Ashland District, a distinguished officer in the Mexican War, and one of the famous orators of the Nation, whose life history sheds lustre upon this, his native State, and his collateral kinspeople now living favor this act; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to cause the remains of said Marshall to be exhumed, and reinterred in the cemetery at Frankfort, in the plat where other Mexican War veterans lie buried, and to cause his name and rank thus "Captain Thos. F. Marshall," to be carved at a proper place upon the monument marking said burial place; and he is directed to draw his warrant upon the Treasurer for a sum not exceeding five hundred dollars, payable out of any money in the Treasury not otherwise appropriated, in payment of the expenses incident to so doing.

Mr. McChord offered the following amendment to said bill:

Strike out "five hundred" and insert "two hundred."

Said amendment was disagreed to.

Ordered, that the said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Robert H. Anderson,
O. P. Applegate
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
C. C. Chase,
H. K. Cole,
Dr. C. F. Crecelius,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
Robert Enlow,
F. E. Graves,
R. L. Gwathmey,
C. W. G. Hannah,
John P. Haswell, Jr.
R. Dillard Hunter,
F. M. Hutcheson, Jr.,
W. Harrison Isaacs,
J. H. Jackson,
W. F. Klair,
Cleves G. Kinkead,
A. T. Knox,
E. W. Lillard,
Jasper D. Lowder,
Wm. S. Markolf,
Emanuel Meyer,
Duncan Milliken,
Garfield Moore,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
Isaac G. Rice,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
S. Albert Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,

—55

Those who voted in the negative were—

W. J. Jackson, J. B. Maynard, W. C. Wynn—3

Resolved, that the title thereof be as aforesaid.

Mr. John L. Smith moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

And then the House adjourned.

AFTERNOON SESSION.

The House met at 3 o'clock pursuant to a resolution heretofore adopted by the House.

The House took up for consideration the unfinished business from yesterday afternoon session, to-wit: a bill entitled:

H. B. 364. An act to amend an act for the government of cities of the first class, approved July 1, 1893, and especially section 239 of said act, being section 3025 of the Kentucky Statutes.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 239 of an act for the government of cities of the first class, approved July 1, 1893, being section 3025 of the Kentucky Statutes, in the following words, namely:

"There shall be only one form of license for the retailing of liquor. The tax to be paid therefor shall be determined by the general council, but it shall not be less than one hundred and fifty dollars nor more than one thousand dollars," be, and the same is hereby, repealed, and in lieu thereof, and as a substitute thereof, be it now enacted:

That there shall be, in cities of the first class, four grades of licenses for the retailing of spirituous and vinous and malt liquors:

(1) A tavern license, to be known as a hotel keeper's license, to be issued to the keepers of hotels only, who may sell vinous, spirituous and malt liquors to all persons at all times, except between the hours of one o'clock a. m. and five o'clock a. m. and

may sell liquor to the guests of such hotel who have resorted to the hotel for food or lodging or in their rooms with their meals, but shall not, on Sunday, sell in any bar room of the hotel such liquor, but shall only furnish such liquor to bona fide guests of the hotel.

The term "hotel" as used in this act, shall mean a building regularly used and kept open as such for the feeding and lodging of guests where all who conduct themselves properly, and who are able and ready to pay for the entertainment, are received, if there be accommodations for them, and who, without any stipulated engagement as to the duration of their stay or as to the rate of compensation, or while they are supplied at a reasonable charge with their meals, lodging, refreshment and such services and attention as are necessarily incident to the use of the place as a temporary home; such building to contain at least twenty bed rooms above the basement, exclusive of those occupied by the family and servants of the hotel, each room properly furnished to accommodate lodgers, and having a kitchen and conveniences for cooking sufficient to provide bona fide meals at one and the same time for at least twenty-five guests. The tax to be paid for the hotel keeper's license shall not be less than $500 or more than $1,000 per annum to be fixed by ordinance of the general council.

(2) A license which will authorize the retailing of beer and malt liquors only, the tax to be paid therefor to be determined by the general council, but it shall not be less than $100 nor more than $200 per annum.

(3) A license for the retailing of malt liquors and vinous liquors, the tax therefor to be determined by the general council, but it shall not be less than $200 nor more than $300 per annum.

(4) A license which will authorize the retailing of spirituous, vinous and malt liquors combined, the tax to be paid therefor shall be determined by the general council, but it shall not be less than $300 nor more than $750 per annum.

§ 2. All laws and parts of laws in conflict with this act are hereby repealed.

§ 3. This act to take effect from and after its passage.

Mr. Gwathmey offered the following amendments to said bill:

Amend by striking out in line 9 subsection 1 after the word "four" and insert in lieu thereof the word "two."

Strike out in line 14 subsection 1 the words "one o'clock a. m." and insert "12 o'clock p. m." Strike out in same line "five" and insert the word "four."

Strike out in line 23 subsection 1 the following "and who without any stipulated engagement as to duration." Strike out lines 24, 25 and 27 and in line 27 subsection 1 the words "of the place of a temporary home."

Amend by inserting after the word "rooms" in line 28 subsection 1 the words "of not less than one hundred and twenty square feet of floor space each."

In line 33 subsection 1 strike out the number "$500" and insert in lieu thereof the words "one thousand dollars." And also strike out in line 33 subsection 1 the number "$1,000" and insert in lieu thereof the words "two thousand dollars."

Strike out subsections 2 and 3

Amend section 4 line 44 by striking out the number "$300" and inserting in lieu thereof the words "five hundred dollars."

Amend subsection 4 line 45 by striking out the number $"750" and insert in lieu thereof the words "one thousand dollars"

Said amendments were severally disagreed to.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said

bill at length being dispensed with, said bill was read the third time by its title and placed upon its passage.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the negative were—

Louis W. Arnett,	Robert L. Harris,	E. W. Lillard,
Wm. E. Dowling,	W. F. Klair,	Emanuel Meyer,
C. W. G. Hannah,	W. L. Kimbrough,	Chris Mueller,—9

Those who voted in the affirmative were—

A. A. Allphin,	R. L. Gwathmey,	J. F. Porter,
Robert H. Anderson,	John P. Haswell, Jr.,	R. S. Rector,
O. P. Applegate	R. Dillard Hunter,	G. T. Reynolds,
Elliott B. Beard,	F. M. Hutcheson, Jr.,	John T. Shanklin,
J. W. Berkshire,	W. Harrison Isaacs.	S. Albert Shanklin,
P. W. Berkshire,	J. H. Jackson,	John L. Smith,
O. Houston Brooks,	W. J. Jackson,	Sawyer A. Smith,
Frank J. Brown,	T. C. Jackson,	John S. Steers,
W. N. Brown, Jr.	W. H. Jones,	R. E. Stewart,
J. T. Buford,	Cleves G. Kinkead,	W. H. Strange,
Albert Butler,	A. T. Knox,	J. W. Stump,
C. C. Chase,	A. T. Lee,	J. A. Sullivan,
H. K. Cole,	Jasper D. Lowder,	J. B. Swann,
Dr. C. F. Crecelius,	Hugh Mahin,	Eugene W. Tandy,
John T. Davis,	J. B. Maynard,	C. S. Templeman,
W. A. B. Davis,	W. C. McChord,	Wm. M. Thompson,
Henry H. Denham,	Duncan Milliken,	Geo. C. Waggoner,
J. A. Duff,	Jesse F. Nichols,	E. E. Wash,
W. F. Edmunds,	A. C. Oliver,	W. R. Whitlow,
Robert Enlow,	G. W. Parrott,	W. C. Wynn,
Thos. E. Finley,	C. C. Patrick,	Geo. S. Wilson,
S. L. Givan,	John C. Pirtle,	J. Hal. Woodford,-67
F. E. Graves,		

And so said bill was rejected.

Mr. Waggoner moved that the vote by which said bill was rejected be reconsidered, and that said motion lie on the table.

Said last motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 106. An act to amend an act entitled, An act to amend an act entitled, An act to assign the cities and towns of this Commonwealth to the classes to which they belong, approved March 21, 1906.

Together with amendments proposed thereto by the Committee on Classification of Cities and Towns.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an act, entitled "An act to amend an act, entitled An act to assign the cities and towns of this Commonwealth to the classes to which they belong," approved March 21, 1906, be, and the same is hereby amended by adding after the words "Sebree City, Webster County" in the fifth class division these words, "Clay, Webster County," so that said section as amended shall read as follows:

"The cities and towns of the Commonwealth are classified as follows, towit:

First Class—Louisville, Jefferson county.

Second Class—Lexington, Fayette county; Covington, Kenton county; Newport, Campbell county; Paducah, McCracken county.

Third Class—Owensboro, Daviess county; Henderson, Henderson county; Frankfort, Franklin county; Bowling Green, Warren county.

Fourth Class—Hopkinsville, Christian county; Shelbyville, Shelby county; Maysville, Mason county; Richmond, Madison county; Winchester, Clark county; Dayton, Campbell county; Paris, Bourbon county; Ashland, Boyd county; Catlettsburg, Boyd county; Danville, Boyle county; Mt. Sterling, Montgomery county; Middlesboro, Bell county; Georgetown, Scott county; Versailles, Woodford county; Harrodsburg, Mercer county; Bellevue, Campbell county; Cynthiana, Harrison county; Mayfield, Graves county; Somerset, Pulaski county; Lebanon, Marion county; Ludlow, Kenton county; Nicholasville, Jessamine county; Pineville, Bell county; Madisonville, Hopkins county; Princeton, Caldwell county; Latonia, Kenton county; Fulton, Fulton county; Lawrenceburg, Anderson county; Russellville, Logan county; Carrollton, Carroll county; Central City, Muhlenberg county.

Fifth Class—Lancaster, Garrard county; Cadiz, Trigg county; Grand Rivers, Livingston county; Franklin, Simpson county; Greenville, Muhlenberg county; Elizabethtown, Hardin county; Louisa, Lawrence county; Columbus, Hickman county; Glasgow, Barren county; West Covington, Kenton county; Earlington, Hopkins county; Hickman, Fulton county; Cloverport, Breckenridge county; Bardstown, Nelson county; Augusta, Bracken county; Stanford, Hustonville, and Crab Orchard, Lincoln county; Williamsburg, Whitley county; Clinton, Hickman county; Midway, Woodford county; Flemingsburg, Fleming county, Barbourville, Knox county; Elkton, Todd county; Falmouth, Pendleton county; Vanceburg, Lewis county; Morganfield, Union county; Carlisle, Nicholas county; Clay City, Powell county; Uniontown, Union county; Campbellsville, Taylor county; Hawsville, Hancock county; Eminence, Henry county; Eddyville, Lyon county; Leitchfield, Grayson county; Owingsville, Bath county; Murray, Calloway county; Marion, Crittenden county; Providence, Webster county; Sebree City, Webster county; Clay, Webster county; Wickliffe, Ballard county; Morehead, Rowan county; Bardwell, Carlisle county; Pikeville, Pike

county; Sturgis, Union county; Dawson Springs, Hopkins county; Millersburg, Bourbon county; Corbin, Whitley and Knox counties; Calhoun, McLean county; Springfield, Washington county; Corydon, Henderson county; Hartford, Ohio county; Morton's Gap, Hopkins county; Livermore, McLean county; Oakdale, Jefferson county; Beattyville, Lee county; Owenton, Owen county; Scottsville, Allen county; Olive Hill, Carter county; Burnside, Pulaski county; Prestonburg, Floyd county; Warsaw, Gallatin county; Monticello, Wayne county.

Sixth Class—All other incorporated cities and towns not named in this bill shall belong to the sixth class (the original section, an act of September thirtieth, one thousand eight hundred and ninety-two, was amended by acts of March eighteenth, one thousand eight hundred and ninety-four; March seventeenth, one thousand eight hundred and ninety-six; June second, one thousand eight hundred and ninety-seven; May eleventh, one thousand eight hundred and ninety-seven; March fifteenth, one thousand eight hundred and ninety-eight; March second, one thousand eight hundred and ninety-eight; March ——, one thousand nine hundred and four; March twenty-first, one thousand nine hundred and six, transferring cities from one class to another.)

§ 2. Whereas, it is necessary for the assigned cities and towns mentioned herein to make their tax levy for this year under the charter of the town to which they are assigned, an emergency is declared to exist and this act shall take effect and be in full force and effect from and after its passage and approval by the Governor.

Said amendments as proposed by the Committee are as follows:

Amend line 6 in section 1 by adding after the word "county" the words "and by striking from section 1 in line 33 and 34 the words " 'Hustonville and Crab Orchard.' "

Also amend by inserting a small "c" in place of the capital "C" in the words county in said bill.

Said amendments were agreed to.

Mr. Sullivan offered the following amendment to said bill:

Add Berea, Madison county, Kentucky, to the list of cities of the fifth class.

Said amendment was agreed to.

Mr. Sawyer A. Smith offered the following amendment to said bill:

Amend by inserting after the words "Webster county," which appears in section 1, page 2, line 6, the following words "and by striking from the fifth class the words "Corbin, Whitley and Knox counties," and adding after the words "Central City, Muhlenberg county," in the fourth class the words "Corbin, Whitley and Knox counties," and to further amend said bill by striking out the words, "Corbin, Whitley and Knox counties," which appears in the fifth class in section one, page three, lines 46 and 47 and by inserting after the words "Central City, Muhlenberg county," which appears in the fourth class in section 1, page 2, line 26, the words "Corbin, Whitley and Knox counties."

Said amendment was agreed to.

Ordered, that the said bill as amended be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson, F. E. Graves, A. C. Oliver,

O. P. Applegate
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
J. T. Buford,
Albert Butler,
C. C. Chase,
H. K. Cole,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
Thos. E. Finley,
S. L. Givan,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.,
R. Dillard Hunter,
F. M. Hutcheson, Jr.,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
Duncan Milliken,
Garfield Moore,
Chris Mueller,
Jesse F. Nichols,
C. C. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
Isaac G. Rice,
John T. Shanklin,
S. Albert Shanklin,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
W. C. Wynn,
J. Hal. Woodford,
—67

Those who voted in the negative were—

Geo. C. Waggoner—1

Resolved, that the title thereof be as aforesaid.

Mr. Porter moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last motion was agreed to.

A message was received from the Senate announcing that they had passed bills of the following titles:

1. S. B. 74. An act to amend an act entitled, An act for the

benefit of the penitentiaries at Frankfort and Eddyville and appropriating money for the erection of the necessary buildings and improvements at said penitentiaries.

2. S. B. 92. An act to amend and re-enact certain sections of the Kentucky Statutes, Chapter 89, article 5, relating to cities of the fourth class.

3. S. B. 142. An act to repeal section 165-A of the Kentucky Statutes being an act relating to barbering.

Said bills were ordered to be printed and referred:

1. To the Committee on State Prisons and Houses of Reform.
2. To the Committee on Cities of the Fourth, Fifth and Sixth Classes.
3. To the Committee on Kentucky Statutes.

Mr. Beard, of the Committee on Rules, offered the following resolution:

Resolved, That there is hereby appropriated out of the contingent expense fund of the House of Representatives the sum of thirty-five dollars for the payment of Al Handy, colored, for services for washing towels and carrying sulphur water for the House of Representatives.

Said resolution was agreed to.

The Committees to which the same had been referred reported bills of the following titles:

By Mr. Beard, of the Committee on Insurance:

S. B. 218. An act further regulating companies authorized to write fire, fire and marine, marine and tornado insurance in this State and providing penalties for violating.

By Mr. Dowling, of the Committee on Kentucky Statutes:

S. B. 181. An act to amend Chapter 18 of the acts of 1906 en-

titled, An act creating and establishing a Board of Commissioners to be known as the Kentucky State Board of Control for Charitable Institutions, and prescribing its duties and powers.

By Mr. Arnett, of the Committee on Circuit Courts:

S. B. 236. An act fixing the time of holding circuit courts in the sixth district.

By same:

S. B. 110. An act to amend an act amending section 965 of the Kentucky Statutes, which relates to the time of holding courts in the twelfth judicial district, approved March 21, 1906.

Said bills were severally read the first time at length and ordered to placed on the calendar.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 414. An act regulating the militia of the Commonwealth of Kentucky and repealing all other laws or parts of laws relating thereto.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The militia of the Commonwealth of Kentucky shall consist of all able-bodied male residents of the State between the ages of eighteen and forty-five years, except such persons as may be exempted by the laws of the State or the United States, and shall be divided into two classes:

1. The organized volunteer militia, to be known as the KentuckyNational Guard.

2. All other persons liable to military service, to be known as the militia of the reserve.

§ 2. All civil officers, except notaries public, while holding office, and those persons having conscientious scruples against bearing arms who pay such equivalent for the services as may be prescribed in the proclamation of the Governor calling them into active service as part of the militia of the reserve, shall be exempt from military duty, but the enlistment or reinlistment of any persons in this section mentioned shall be deemed a waiver of their exemption.

§ 3. Whenever the Governor shall deem it necessary, he may order an enrollment to be made by officers designated by him of all persons liable to service in the militia. Such enrollments shall state the name, residence, age and occupation of the persons enrolled, and their previous or existing militiary or naval service. Four copies shall be made thereof; one shall be retained by the enrolling officer, one filed in the office of the town or city clerk in which the enrolled persons reside, one in the office of the clerk of the county in which the enrollment is made, and the original in the office of the adjutant-general. If the Governor so direct, such enrollment shall show separately all the sea-faring men of whatever calling or occupation; all men engaged in the navigation of the rivers, lakes and other waters of the state, or in the construction or management of ships and crafts together with the ship owners and their employes, yacht owners, members of yacht clubs, and all other associations for aquatic pursuits.

§ 4. The officer making the enrollment shall, at the time of making the same serve a notice of such enrollment upon each person enrolled, by delivering such notice to him or leaving it with some person of suitable age and discretion, at his place of residence. All persons claiming exemption must, within fifteen days after receiving such notice, file a written statement of such exemption, verified by affidavit in the office of the County Clerk. Such clerk shall thereupon, if

such person be exempted according to law, mark the word exempt opposite his name. Any person making a false affidavit to secure exemption under this article shall be subject to a fine of not less than One Hundred ($100.00) Dollars nor more than One Thousand ($1,000.00) Dollars to be covered into the National Guard Fund of the State. The remainder of all thus enrolled, and not thus found to be exempt, shall constitute the militia of the State, and such clerk shall transmit a copy of such corrected roll to the adjutant-general. The commanding officer of each organization of the National Guard and the heads of the fire and police departments in each city of town shall, whenever an enrollment is ordered, file in the office of such county clerk a certified list of the names of all persons in his command or department.

§ 5. The assessors in each city, village, town or ward in this State shall allow persons appointed to make such enrollment, at all proper times, to examine their assessments, rolls and take copies thereof, and the clerks of all counties, towns and cities shall in like manner, at all proper times, allow such persons to examine and copy the poll lists on file in their offices. All persons shall, upon the application of any person making such enrollment, give the name of, and all other proper information concerning any person within their knowledge liable to be enrolled under penalty of Ten Dollars ($10.00) for every concealment or false information, or refusal to give the information requested, to be recovered in any court of competent jurisdiction with costs. The officer making the enrollment shall, within ten days report all persons who shall fail or neglect to give information to the adjutant-general.

§ 6. The National Guard of the State shall consist of a brigadier geenral, an adjutant general's department, an inspector general's department, a judge advocate general's department, and ordnance department, a quartermaster's department, a subsistence department, a corps, the existing military organizations and such other as may be corps of engineers, a medical department, signal corps, a hospital

organized hereafter, and such person as may be enlisted or commissioned therein, not exceeding thirty-six companies of infantry, three batteries of light artillery, four troops of cavalry, and, in the discretion of the Governor and to be organized under and in conformity with rules and orders by him to be prescribed and issued, one engineer corps, one signal corps and one ambulance corps. The aggregate of said force shall not exceed thirty-five hundred men, rank and file, unless the laws of the United States shall require a large organized force of militia to entitle the State to its pro rata of money, stores and military equipments appropriated by Congress for the benefit of the militia of the several States, in which event such additional force is hereby authorized. The National Guard companies and corps shall be organized, allotted and apportioned in such localities of the State, and in such manner as the necessities of the service, in the discretion of the Commander-in-Chief, may require.

§ 7. The military organizations of the National Guard shall constitute a brigade and the present regiments, battalions, squadrons, troops, batteries, companies, hospital corps and signal corps shall remain as now established but the Governor shall have power, by order duly promulgated through the adjutant-general's office, to alter, divide, annex, consolidate, disband or reorganize the same and create new organizations whenever in his judgment, the efficiency of the State forces will be thereby increased, and he shall at any time have power to change the organization, strength, and compositions of regiments, battalions, squadrons, troops, batteries, companies, hospital corps and signal corps so as to conform to any organization, system of drill, or instruction now or hereafter adopted for the army of the United States, and for that purpose the number of officers and noncommissioned officers of any grade or staff in regiments, battalions, squadrons, troops, batteries, companies, hospital corps, and signal corps may be increased to the extent made necessary by such change of organization, strength or compensation. The Governor shall

have power in case of war, insurrection, invasion or imminent danger thereof, to increase the force beyond the maximum now established by law, and to organize the same, with proper officers, as the exigencies of the service may require.

§ 8. The Commissioned Staff of the Brigade, and the Commissioned and non-commissioned staffs of the regiments and battalions shall be the same as in the United States Army. Such staff the Generals and Commandants of Regiments and Battalions shall respectively appoint their staff officers and the commandants of companies shall, subject to the approval of their regimental or battalion commanders, appoint their non-commissioned officers.

§ 9. The Governor of the State, by virtue of his office shall be the Commander-in-Chief of the militia of the State, except of such portions as may at times be in the service of the United States. Whenever the Governor is unable to perform the duties of the Commander-in-Chief, the senior line officer of the National Guard, present for duty in the State, shall command the militia of the State. No armed military forces from another State, Territory or District shall be permitted to enter the State without the permission of the Govenor, unless such force is a part of the United States Army or is acting under the authority of the United States.

§ 10. The Staff of the Governor shall consist of not more than twelve officers as follows: An Adjutant General with the rank of Brigadier-General, Commissary General, Quartermaster General, an Inspector General, a Judge Advocate General, a Surgeon-General, an Assistant Adjutant General, each with the rank of Colonel; and, whenever he may deem it necessary for the public service, such aids, or other officers corresponding with the staff corps of the regular army of the United States as he shall appoint, whose grade shall not be higher than Colonel.

The Governor shall likewise require the appointment by his general, regimental and battalion commanders of the proper number of

staff officers corresponding with those of the regular army of the United States.

The Adjutant-General shall be appointed by the Governor, the Assistant Adjutant-General shall be appointed by the Governor.

§ 11. The duties of the officers of the staff shall be such as are prescribed by the status of this Commonwealth, and by the laws, rules, regulations and orders creating and governing similar officers in the army of the United States, so far as applicable, and subject to such notifications as the Governor may in orders prescribe.

§ 12. When in the judgment of the Governor, it is necessary or proper to organize a National Guard Company in any county, he may when as many as the minimum number of persons prescribed for a company by the War Department shall have first asked the county judge for a certificate setting forth that the applicants are men of good character, residents of the county and qualified for the service which certificate the county judge shall furnish or give his reasons in writing for declining to do so, the same to be forwarded with a written application signed by each man desiring to join the company, to the Adjutant-General. Should the Governor approve the application, he shall direct the proper steps to be taken to organize the company and muster it into service of the State.

§ 13. All able-bodied male persons residents of this State, between the ages of eighteen and forty-five years, of sound mind and good moral character, shall be eligible to membership in any National Guard company organized within the limits of the county in which they reside. But after any company has been organized and mustered into service, and has adopted by-laws as hereinafter provided, recruits shall be further subjected to such qualifications as may be imposed by such by-laws.

§ 14. A man who has been discharged without honor, dishonorably discharged or discharged for inability from any military organization of the State or the United States shall not be elegible for en-

listment or re-inlistment unless he produce the written consent to such enlistment of the commanding officer of the organization from which he was discharged, and of the commanding officer who approved such discharge. Men who have been discharged by reason of the muster out of the company may be enlisted and shall then receive credit for the period served at the time of such disbandment. A man discharged for physical disability shall, if such any disability cease, and he again enlists, or a man discharged upon his own request shall, if he again enlists, receive credit for the period served prior to such discharge.

§ 15. The term for enlistment shall be for three years: Provided, That if an applicant for enlistment in such company shall have served honorably, for two years or more, in the military service of this or any other State, or in the army of the United States, the enlisting or mustering officer may, if he deems such applicant sufficiently proficient in military knowledge and training, enlist and muster such applicant for a period of not less than one year nor more than three years. The obligation of enlistment of such applicant shall show the time and place of such former military service, and the enlisting officer may require further proof of such service. No person shall become a member of any organization of the National Guard except on subscribing an obligation of enlistment of the following form:

KENTUCKY NATIONAL GUARD ENLISTMENT.

"I,_____, desiring to become an active, bona fide member of the Kentucky National Guard, and to enlist in Captain_____'s company of_____known as _____(_____Company,_____Regiment of Kentucky National Guard), declare that I am a resident of the State of Kentucky and the county of_____; that I am_____years of age; that my occupation is that of_____; that I do

not now belong to any other organization in the Kentucky National Guard, nor have I ever been discharged from the National Guard for disability, or by sentence of a court martial, and that I know of no impediment to my becoming a member of the National Guard according to law. And I solemnly promise and agree that I will honestly and faithfully serve the State of Kentucky, and that I will do my utmost to support the Constitution and the laws of the United States and of the State of Kentucky against all violence of whatsoever kind or description; and I further declare that I will well and truly execute and obey the lawful orders of all officers legally placed over me when on duty.

I further promise to bind myself to obey the orders of the President of the United States when ordered into active service by him for a period not exceeding nine months within the United States, and as provided in the Constitution of the United States. I further declare that I have done military service as follows:----------

---

Signed and acknowledged before me at----------
in the county of----------; State of Kentucky, this------day
of----------; and in further pursuance of the authority
vested in me by paragraph----------, of special orders No.---------
dated the ----------day of----------from the
Adjutant's General's office, I have this day mustered the said------
----------into the National Guard service in the company aforesaid for the period of----------years.

"Mustering Officer."

This paper must be executed in duplicate, one copy to be retained in the company records, the other forwarded at once to the Adjutant General of the State.

§ 16. When a company is to be organized, the persons proposing to join the same shall be directed by order of the Governor to assemble at a given time and place within the county. And the Adjutant General, or such other mustering officer as the orders of the Governor may specially appoint, shall, at the designated time, repair to the place of assembly and there proceed to enlist the applicatns in the manner and form herein prescribed. The mustering officer may adjourn the meeting from time to time to give the applicants opportunity to come forward and enlist. Should any person other than a signer of the original application present himself, on the occasion of the original organization, for enlistment, he may be accepted if a majority of the applicants consent thereto and the mustering officer votes with him in the affirmative, and the person so offering himself signs the application.

§ 17. When the minimum number of men prescribed for a company, have assembled, the mustering officer shall cause the new to be formed, in line or lines inspect the men to assure himself of their identity and qualification, administer to the whole company the oath prescribed in the form of enlistment, cause the enlistment papers of each man to be signed in duplicate, proceed to hold an election by ballot for commissioned officers, and when at least one officer has been elected, muster the company into the National Guard service. In each infantry company there shall be elected, by a majority of votes, not less than sixty-one being cast at the first election, such commissioned officers as are authorized by law for similar organization in the army of the United States. Should the company, by a majority vote, desire to postpone the election of one or two officers, the mustering officer, must postpone such election; and he may at any election continue the balloting for such time as he may deem reasonable to enable all the members to vote.

If any person is elected to office who is not a member of the company, he shall duly enlist himself, and upon receiving from the mustering officer a certificate of election, shall be then entitled to exercise

the duties of the office to which he may have been elected. The mustering officer shall promptly file in the office of the Adjutant General duplicates of the obligations of enlistment taken by him, his certificate of election of officer, and a report of the proceedings and inspection and muster in of the organization. In all elections thereafter held in said company, the election shall be valid if a majority of the members of the company shall vote or be present; and when less than a majority of the members are present, the mustering officer may continue the balloting for such time as he may deem reasonable to enable a majority of all members to vote. After the company is mustered in, the company commander may, subject to the approval of his regimental or battalion commander, if any, appoint the non-commissioned officer required by the War Department, the order of appointment to be entered in the company order book, and warrants of appointment duly issued. Non-commissioned officers shall hold their appointment at the pleasure of the officer appointing them, and removals and appointments shall be by an order entered in the regimental order book.

§ 18. The batteries of artillery and troops of cavalry shall consist of the same number of men, and be organized as similar organizations in the army of the United States, and shall be equipped as the Governor may direct; and if, in the judgment of the Governor, it shall become expedient to consolidate any two or more troops of cavalry or company of infantry, or batteries of artillery, into one organization, he may so direct.

§ 19. The company fund shall be made up of all sums apportioned to the company out of the State military fund; all donations of money to the company, all dues which the company shall impose upon the members, under the restrictions hereinafter imposed, all fines that may be imposed upon any member of the company by its by-laws, as authorized herein, and all funds arising from any other source.

§ 20. Each company, after it is mustered into service, may adopt

by a majority of the votes of all the members, such by-laws as may be necessary and proper for the administration of the affairs of the company. The by-laws may also direct the manner in which applicants for membership may be admitted, and prescribe qualifications additional to those required by law, and may adopt a distinctive name, and provide for the collection from each member of the company of equal stated dues. But the amount of such dues shall be determined only by a majority vote of the company; and new members thereafter admitted shall, before any vote shall be taken on their application, give their written consent to the imposition of the dues at the time established. The failure to make this agreement shall not in any manner, nor shall a failure in any respect to enforce the by-laws in regard to admission, invalidate the contract of enlistment; but if a company officer reports for enlistment, or himself enlists a recruit without first assuring himself that the requirements of the by-laws have been complied with, he shall be subject to such punishment, not exceeding a fine of twenty-five dollars or dismissal from service, as a general court martial shall inflict.

§ 21. Company by-laws may impose additional fines upon members of the company, to those imposed by law, for absence from drill, or any other duty—provided that such additional fine shall not be greater than that imposed by law for the same offense. Such additional fine shall be collected in the same manner as fines imposed by law and shall go into the company fund. The by-laws may impose fines for other infractions or violations thereof, not punished by law, to be collected as provided by law, and go into the company fund, but no such fine shall exceed $2.00 for one offense.

When adopted by the company, a duly certified copy of the by-laws shall be forwarded to the Adjutant-General for submission to the Governor, and if he shall approve them, in whole or in part, they shall, as far as approved by the Governor, take effect from the date of such approval.

§ 22. Each regiment or separate battalion may have a council

of administration, composed of the commissioned officers, which shall be charged with the care and control of the fiscal affairs of the command, may adopt suitable by-laws, effective on the approval of the Governor, and may each elect not more than fifty contributing members entitled to exemption from jury service upon their payment annually, a sum of not less than fifty dollars; and the money thus obtained shall be for the use of the regimental or battalion fund, and paid out by the orders of the council, as the interest of the command may require. Each company shall also have a council of administration, composed of its commissioned officers, which shall be charged with its fiscal affairs. Said company council of administration may elect not more than fifty residents of the county in which the company is organized or stationed, as contributing members of such company who shall be exempt from jury service upon their payment annually into the company fund a sum to be fixed by the council of not less than twenty-five dollars each. The official certificate and receipt of the commanding officer of the regiment, battalion or company showing the election of such honorary member and payment of the prescribed amount, and the year for which the same was paid shall be prima facie evidence of such facts. Said council may make an allowance out of the company fund to the county clerk, and for such necessary expenditures as are strictly within the purpose of maintaining the effectiveness of the organization. No extraordinary expenditure shall be made out of the company fund except by a majority vote of all the company members present at a regular company business meeting, or such a meeting called by a majority of the council on sufficient notice for the members to assemble.

§ 23. It shall be the duty of the Governor, whenever he may deem it neessary, for the safety or welfare of the Commonwealth, or when any actual or threatened invasion, insurrection, domestic violence or other danger to the public interest make it necessary to employ military force in aid of the civil power of the government for

the enforcement of the law or to preserve the peace and the security of the rights and lives or property of the citizens, to order into active service so much of the National Guard or military force of the Commonwealth as he may deem necessary. The Governor may direct the commanding officer of such military force, thus ordered into service, to report to any one of the following named civil officers of the district, county or State; Circuit Judge, County Judge, Mayor of the city, Sheriff of the County, Jailer or Marshal, such civil officers shall direct the specific object to be accomplished by such military force, but the tactical direction of the troops and the particular means to be employed to accomplish the object specified by the civil officers, are left solely to the officers of the active militia.

§ 24. In case of the breach of the peace, riot, resistance to the process of the State, or imminent danger thereof or imminent danger of violence to the life or property, any one of the civil officers named in the next preceding section, may, by written order to the commanding officer of any company, battery, troop, battalion or regiment or the Kentucky National Guard, order into active service such part of the active militia of the State, to be specified in his written order, as such civil officer may deem necessary to assist the civil authorities to enforce the law and prevent violence to person or property; provided, that such civil officer shall have such authority only in case of emergency, when, in his judgment, it is impossible or impracticable to communicate with the Governor in time to prevent the threatened violation of the law or danger to persons or property. Such civil officer and the commanding officer of the troops ordered into service by him, shall as soon as practicable report said facts and circumstances relating thereto to the Governor.

§ 25. In all cases where the militia is ordered into active service it will use every reasonable and proper endeavor to accomplish the purpose for which it is called into service, without resorting to violence or the use of arms; and they will resort to the use of arms

only in their necessary self defense or as the final and only means of maintaining the law and preventing violation thereof.

§ 26. Whenever any portion of the militia shall be in active service under or pursuant to the orders of the Governor or any civil officer as herein provided, or shall be on duty or ordered to assemble for duty in time of war, insurrection, invasion, public danger; or to aid the civil authorities on account of any breach of the peace, tumult, riot, resistence to the process of this State, or imminent danger thereof, or for any other cause, the Articles of War governing the army of the United States and the regulations prescribed for the Army of the United States, as far as such regulations are consistent with this chapter and the regulations issued thereunder, shall be in force and regarded as a part of this chapter until said forces shall duly be relieved from such duty.

As to offenses committed when such articles of war are so in force court-martial shall possess, in addition to the jurisdiction and power of sentence and punishment here invested in them, all additional jurisdiction and power of sentence and punishment exercisable like courts under such articles of war or the regulations or laws governing the United States Army, or the customs and usages thereof, but no punishment under such rules and articles which shall extend to the taking of life shall, in any case, be inflicted except in time of actual war, invasion or insurrection declared by proclamation of the Governor to exist, and then only after the approval by the Governor of the sentence inflicting such punishment. Imprisonment other than in guard houses shall be executed in jails or prisons designated by the Governor for the purpose.

§ 27. Members of the militia ordered into active service of the State by any proper authority shall not be liable civilly or criminally, for any act or acts done by them in good faith in the line of their duty. When a suit or proceeding shall be commenced in any court by any person against any officer of the militia for any act done

by such officer in his official capacity in the discharge of any duty under this chapter, or against any soldier or person acting under the authority or order of any such officer, or by virtue of any warrant issued by him pursuant to law, the defendant may require the person prosecuting or instituting the suit or proceedings, to file security for the payment of costs that may be awarded to the defendant therein, and the defendant in all cases may make a general denial and give the special matter in evidence. In case the plaintiff shall be nonsuited, or have a verdict or judgment rendered against him, the defendant shall recover treble costs.

§ 28. Whenever any portion of the militia is employed in aid of the civil authority, the Governor, if in his judgment the maintenance of law and order will be thereby promoted, may by proclamation declare the county or city, town or district, in which the troops are serving, or any specified portion thereof, to be in a state of insurrection, and may declare such county, city, town or district under martial law and subject to the regulations thereof.

§ 29. When the militia of this State or a part thereof is called forth under the constitution and laws of the United States, the Governor shall order out for service the active militia or such part thereof as may be necessary, and if the number available be insufficient, he shall order out such part of the reserve militia as he may deem necessary. During the absence of organizations of the National Guard in service of the United States their designations shall not be given to new organizations.

§ 30. Whenever it shall be necessary to call out any portion of the reserve militia for active duty, the Governor shall direct his order to the mayor of any city or the county judge of any county who, upon the receipt of same, shall forthwith proceed to draft by lot as many of the reserve militia in his city or town, or accept as many volunteers as are required by the Governor, and shall forthwith forward to the Governor a list of the persons so drafted or accepted as volunteers.

§31. Every member of the militia ordered out, or who volunteers or is drafted under the provisions of this article, who does not appear at the time and place designated by his commanding officer, the mayor, or county judge, within twenty-four hours from such time, or who does not produce a sworn statement of physical disability from a physician in good standing, to so appear, shall be taken to be a deserter and dealt with as prescribed in the Article of War of the United States.

§ 32. The portion of the reserve militia ordered out or accepted into service, as indicated in the foregoing sections of this chapter, shall be immediately mustered into the service of the State for one year, or such less period as the Governor may direct, and shall be organized into troops, batteries, or companies which may be arranged in squadrons, battalions, or regiments, or assigned to organizations of the National Guard already existing. The Governor is authorized to appoint the officers necessary to commence or complete any organization thus created.

§ 33. The military shall be at all times and in all cases in strict subordination to the civil power.

§ 34. Unless otherwise specially ordered, all elections shall be at the armory, or other ordinary place of meeting of each company or other command and field and staff officers may vote likewise at their ordinary headquarters.

§ 35. The Adjutant General shall order elections on reasonable notice, before each term of office expires, and to fill vacancies; and all officers except those of the staff, shall be elected by persons subject to military duty within their respective companies, battalions, regiments or other commands, each company composing the organization in which the election is to be held, assembling and proceeding to ballot at the same time, and the person receiving a majority of the votes cast shall be elected. The Governor may authorize regimental or battalion commanders to order election within their respective

commands and fix the time therefor and designate the officer, or officers to conduct the same. Such regimental or battalion commanders shall certify the result to the Adjutant General. The mustering officer shall immediately announce the result of the balloting and shall make a certified statement of the number of votes cast; and of the result of the election, direct to the officer ordering the election, who shall at once issue an order announcing the result, and the person elected shall, if not already a member of the National Guard, at once enlist in some company of the organization, and upon receipt of the order from the office of the Adjutant General, or certificate of his election by the mustering officer, be thereupon entitled to discharge the duties of his office. Should any officer so elected, or any officer appointed fail to enlist or to qualify within ten days after his election or appointment, the office shall be deemed vacant.

§ 36. Any person believing himself aggrieved by the proceedings at any election may appeal to the Governor, by filing at the time of the election with the presiding officer thereat notice of such intended appeal and forwarding to the Governor a full statement of the grounds of such appeal within ten days from the date on which the election took place and likewise give notice to the person against whom the appeal is taken. The Governor may direct upon such appeal, an officer to take testimony in the case and to report his findings, and such officer shall have the same power to take evidence, administer oaths, issue subpoenas and compel witnesses to attend and testify and produce books and papers, and punish their failure to do so, as is supposed by a general court-martial. He shall report his findings to the Governor, who schall have the power to set aside the election if he find it to have been illegal in any aterial respect, and order a new election.

§ 37. Officers on the military staff of the Governor shall be removable at his pleasure; but shall be appointed for a term of four years, and all other offiecrs shall be elected or appointed, as the case may be, for a term of three years; and in the event of the re-election

or re-appointment of any officer to the same office at the expiration of his term, his rank shall date for the day of his first election or appointment.

§ 38. Where, by any accident or neglect, the term of a commissioned officer shall expire without an election having been held or appointment made to fill the office he shall continue to hold said office and discharge the duties thereof, until his successor is elected or appointed and qualified, unless the registration of such officer be accepted by the Governor, or he be dismissed for the service upon esntenec of a general court-martial, or otherwise, as authorized in this law.

§ 39. Every officer shall, on receiving his commission, take the oath of office prescribed in the Constitution, and in addition thereto the following: "And I further swear that I will well and truly execute and obey the lawful orders of all officers legally placed over me when on duty." The person who administers the oath shall furnish a certificate thereof to the officer, and shall also indorse on the commission the fact of qualification. The certificate shall be immediately forwarded to the Adjutant-General.

§ 40. Commissioned officers shall all be commissioned by the Governor, and every officer, except those on the staff of the Governor, shall at the expiration of ninety days from his election or appointment, be brought before a board appointed by the Governor for examination as to his qualifications. Should this examination prove satisfactory, his commission shall then issue to date from the time of his election or appointment; otherwise his name shall be dropped from the roster of officer, and a vacancy shall be declared in his office, provided that the Governor may for good and sufficient cause permit a second examination and fix the time thereof.

§ 41. The Governor, may upon the recommendation of their commanding officer, confer brevet commissions of a grade next higher than the ordinary or brevet commissions ever held by them,

upon officers of the National Guard in active service for gallant conduct or meritorious service of not less than twenty-five years. He may also confer upon officers in active service in active militia, who have previously served therein in a higher grade, or who have previously served in the forces of United States in time of war, brevet commissions of a grade equal to the highest grade in which they previously served. Such commissions shall carry with them only such privileges or rights as are allowed in like cases in the military and naval service of the United States.

§ 42. The registration of commissioned officers can be accepted only by the order of the Governor, and no enlisted man can be discharged from the service except by the order of the Governor. No honorable discharge shall be granted to any officer who at the time is under arrest, under charges, or returned to a military court for any offense, deficiency or delinquency, or to be indebted to the State or United States in any manner.

§ 43. Any commissioned officer who has become or shall hereafter become incapable of performing the duties of his office shall be discharged upon the recommendation of his commanding officer or the recommendation of an inspecting officer on the approval of the Governor. Before making such order a board of not less than three commissioned officers shall be appointed by the Governor, whose duty it shall be to determine the facts as to the nature and cause of incapacity of such officer, to perform military duties. No officer whose grade or promotion would be affected by the decision of such board, in any case, that may come before it, shall participate in the examination or decision of the board in such case. Such board is hereby invested with the powers of courts or inquiry and courts-martial, and whenever it finds an officer incapaciated for active service shall report such fact to the Governor, stating cause of incapacity, whether from disability, unfitness or incompetency, and if he approves such finding, such officer shall be discharged, as provided in this section. The members of the board shall, before en-

tering upon the discharge of their duties, be sworn to an honest and impartial performance of their duties as members of such board. If disability be the cause assigned for retirement of such officer, one member of said board shall be a surgeon.

No officer shall be discharged by the action of such board without having had a fair and full hearing before the board, if upon reasonable notice he shall demand it.

It shall not be necessary to refer any case for the action of such board arising under this section, unless the officer designated to be placed upon the retired list or discharged shall, within ten days after being notified that he will be so retired or discharged, serve on the adjutant-general a notice in writing that he demands a hearing and examination before such board. Such board may proceed with such hearing, after reasonable notice to such officer, without waiting for the expiration of said ten days, when the good of the service requires it and the order so directs. Vacancies created by the operation of this section shall be filled in the same manner as other vacancies.

§ 44. Seniority in the ranks of the officers of the Kentucky National Guard shall be determined by the same rules prescribed for the determination of the rank of officers in the United States Army as far as applicable: Provided, that seniority of rank in the sae grade shall be determined by the length of continuous service in such grade; the longest in service being senior. Temporary absence of an officer of the Kentucky National Guard, from duty therein, while serving in the same or a higher grade in the volunteer forces of Kentucky, or of the United States, in any way, either in the past or hereafter, shall not be deemed to interrupt the continuity of service of such officer in the Kentucky National Guard.

§ 45. No enlisted man can be discharged from the service except by the order of the Governor, or by order of such battalion, regimental, brigade or division commander as the Governor shall

authorize to discharge men. An enlisted man who has returned all public property for which he is responsible, and who is not under arrest or charges or sentence of court martial, shall be entitled to a discharge or an honorable discharge, at the discretion of the officer granting the discharge.

First. If he becomes physically disabled to properly discharge his duties.

Second. If he present full and satisfactory proof to his commanding officer, after having served at least one half of his term of enlistment, that he can not properly perform his military duties without great and irreparable sacrifice and detriment to his private duties and business.

In either case the officer authorized to grant the discharge shall determine the soldier's right to the discharge and his determination shall be final.

An enlisted man who has faithfully and honestly served the full time of his enlistment or re-inlistment shall be entitled to a full and honorable discharge.

A dishonorable discharge can only be given an enlisted man fined by any military court, who shall neglect or refuse to pay such fine within thirty days after it was imposed.

A dishonorable discharge can only be given an enlisted man discharged pursuant to sentence of a general court-martial.

§ 46. If an enlisted man fail to attend his company drills without sufficient cause, in the judgment of his immediate commanding officer, or to perform any other military duty properly required of him or by reason of drunkenness or other improper or dishonorable conduct, either in his military or private life, become unfit for a solider, he may be discharged for the "good of the service" upon the application and the recommendation of his immediate commanding officer.

§ 47. An enlisted man who removes his residence from the county in which his company or organization is stationed, and to such distance therefrom that it is impracticable for him to properly perform his duties will be discharged.

§ 48. The military courts of this State shall be:

1. General courts-martial.
2. Garrison courts-martial.
3. The summary court.
4. Courts of inquiry.
5. Delinquency courts, which are of two kinds: (1) officers; (2) for enlisted men.

The constitution and jurisdiction of courts-martial; the form and manner in which the proceedings of military courts shall be conducted and recorded and the forms of oath and affirmations taken in the administration of military law by such courts; the limits of punishment and the proceedings in revision shall be governed by the Articles of War and the law and procedure of the courts-martial of the United States, except as otherwise provided in their law.

§ 49. A general court-martial shall be composed of not less than three nor more than seven commissioned officers of the line, field or staff, and shall be convened only by order of the Governor. Such court shall have jurisdiction of all offenses against the militia or military laws of the Commonwealth, and the rules and articles of war, committed by persons in militia or military service of the Commonwealth. And in all respects, except as may be otherwise specially provided by statute, the laws, rules and regulations governing general courts-martial and their proceedings in the army of the United States shall apply to and regulate such courts of the militia or military force of the Commonwealth.

§ 50. Garrison courts-martial shall, in addition to the jurisdiction of other cases as herein authorized, have cognizance of all penalties

imposed by the by-laws of a company or regimental or battalion council of administration, but no penalty imposed by the by-laws of the company shall exceed ten dollars, and no penalty imposed by the by-laws of a regimental or battalion council of administration shall exceed thirty dollars.

The amount which may be imposed and enforced as fines for minor offenses that may be brought before garrison courts-martial shall be prescribed and fixed by the council of admininstration of each regiment, battalion or company, subject to the approval of the Governor.

§ 51. The officer ordering any court shall not be eligible to sit therein, and the proceedings of courts, other than general courts-martial, shall be forwarded for the approval of the regimental or battalion commander; or if the company is unattached, to the adjutant general for the action of the Governor, if the accused, after the judgment of the court is communicated to him, so requests, in writing to the senior officer of the court.

§ 52. No action or proceeding shall be prosecuted or maintained against the member of a military court or officer or person acting under its authority or reviewing its proceedings on account of the approval or imposition or execution of any sentence, or the imposition or collection, of a fine or penalty, or the execution of any warrant, writ, execution, process, or mandate of a military court.

§ 53. The jurisdiction of the courts and boards established by this chapter shall be presumed, and the burden of proof shall rest on any person seeking to oust such courts or boards or jurisdiction in any action or proceeding.

§ 54. All courts-martial, delinquency courts, and courts of inquiry may issue summons for witnesses; or, previous to the sitting of such courts, the president thereof, or judge advocate may issue such summons or subpoena, the process to be served by any non-commissioned officer or any sheriff, constable or jailer, and if any such witness fail to attend, without a reasonable excuse he shall be fined by the court in

sum not exceeding ten dollars. And it is hereby declared that the several courts provided for in this act possess competent power to carry into execution the duties imposed and regulations granted.

§ 55. On all judgments of general or other courts-martial imposing a fine or other punishment, the sentence of the court may be executed by military authority as in the United States Army; or the final judgment or sentence of the court-martial may be directed to any sheriff, constable, marshal or jailer of the county to whose hands the same may come, and shall be executed by such officer as therein directed and set forth, and in the same manner as judgment of civil courts, imposing fines and imprisonments, are executed.

When the sentence of a general court-martial is approved by the Governor, by his own signature or is commuted by him in accordance with law, and the court-martial order or a certified copy thereof issued from the office of the adjutant general shall be delivered to any of the above named civil officers; and when the court-martial order, or certified copy thereof, issued by the officer ordering the court, other than general courts-martial shall be delivered to any of the civil officers aforesaid they shall forthwith proceed to execute the judgment and sentence set forth in said court-martial order in the manner herein provided.

§ 56. Justices of the Peace and Police Courts shall have jurisdiction, concurrent with military courts of offenses committed within their respective jurisdictions by members of the militia or by civilians, against the statutory military laws of the State, where the punishment for such offenses is within the jurisdiction of said courts. Warrants may be sworn out in such courts for such offenses in the same manner as warrants for misdemeanors are sworn out and shall be executed in the same manner. The proceeding in the trial of the case and the execution of the judgment shall be the same in all respects as the trial of misdemeanors. All fines thus imposed and collected shall be paid by the court imposing same, directly into the company fund of the organ-

ization to which the soldier belongs, and the receipt of the treasurer thereof shall be a complete acquittance to him therefor. In case of a civilian being fined for violation of any military law of the State the fine shall be paid to the fund of that organization against which his offense was directed or through which his arrest was caused.

Provided, that no warrant shall be issued from any of the above named courts or by any civil authority against any member of the militia, for violation of any military law, except upon the request of his company, troops, battery or detachment commander or other superior officer accompanied by an affidavit of such officer that there are reasonable grounds for believing the soldier had committed the offense charged.

§ 57. The commanding officer of any brigade, regiment, battalion, company, troop, battery or detachment may arrest, or cause to be arrested by other members of the militia any member of his command for the violation of any order, regulation or law for the government of the Kentucky National Guard, and may authorize and direct, in writing, any constable, police officer, sheriff or deputy sheriff of the city or county, wherein such violation occurs, to arrest such delinquent member; and such commanding officer may turn over to any constable, police officer, sheriff, deputy sheriff or jailer any member of his command so arrested or caused to be arrested by him, and such constable, police officer, sheriff, deputy sheriff or jailer shall hold such man so arrested by him or turned over to him as aforesaid, in his custody or in confinement until he has been tried by the proper court martial, or has been discharged by the proper authority, and for a period not exceeding five days. Any member so arrested may be confined awaiting court-martial as prisoners are held charged with misdemeanor or may be admitted to bail by the officer holding him in arrest or custody, upon giving good surety to be approved by such officer in the sum of fifty dollars, or less if his commanding officer consent thereto, conditioned that the arrested member will appear at the time and place fixed for the trial of his case and in the

event of his failure to so appear, the amount of said bond to be forfeited, to be recoverable as the penalties in other bonds and to be paid into the company fund of the organization to which the said member belongs. Each commanding officer shall deduct from any pay received for any member of his command, either from the State or the United States, the amount of all dues and fines due from said member by sentence or assessment of the court-martial, or otherwise in accordance with this chapter.

§ 58. In order that the civil officers of the Commonwealth may be reliably advised and informed as to who are the duly commissioned officers of the Kentucky National Guard with authority to make or order arrests, order courts-martial, issue process, certify judgments findings and sentences of such courts, the Governor shall, from time to time, issue his orders under the seal of the Commonwealth, certified to by the Secretary of State and attested as official by the Adjutant-General, setting forth, by names and title or rank, the officers in the respective counties of the Commonwealth vested with authority as above set out, and such order shall be conclusive proof of the authority of the officers named therein and as therein set out. Any person exercising or undertaking to exercise any authority under any such order, knowing that he has no such authority, or that his authority has been revoked or otherwise divested, shall be guilty of a misdemeanor and upon conviction in any court of competent jurisdiction, shall be subject to a fine of not less than fifty dollars nor more than one hundred dollars.

§ 59. It is hereby made the duty of all justices of the peace, police judges, constables, police officers, sheriffs, deputy sheriffs, jailers and other civil officers to perform the duties, herein required of and imposed upon them, whenever so requested by any officer of the Kentucky National Guard having the authority so to do as herein provided, and any civil officer, above named, who shall willfully fail or refuse to perform any duty required of him pursuant to this chapter, shall be guilty of a misdemeanor and upon conviction in any court of compe-

tent jurisdiction shall be fined not less than one hundred dollars and not exceeding five hundred dollars.

§ 60. Any officer cashiered, or any enlisted man dishonorably discharged by sentence of a court-martial, shall be incompetent to hold any civil office in this State or any office in the military service of the State for five years thereafter. Provided, That after two years the Governor may by his order under seal of the Commonwealth and certified by the Secretary of the State remove such disability.

§ 61. The Governor shall direct the minimum number of times that each company, troop, battery, battalion and regiment shall assemble for regular drill during the year; provided that each company shall assemble and drill for instruction at least fifty-two times during the year. During the two months next preceding any annual inspection ordered by the Governor and the two month next preceding the annual camp of instruction ordered by the Governor, the commanding officer of any regiment, battalion, company, troop or battery may order and direct additional drills when necessary in the judgment of such commanding officer, for the instruction and preparation of the said organization for such inspection or encampment.

In addition to the drills above provided for, the commanding officer of any brigade, regiment or battalion, may, by order require the companies composing such command to assemble at such place as he may direct, for inspection or instruction not exceeding once in any one month. Provided, that no company or soldier shall be required to assemble or report at any other place than its home station, unless transportation be furnished to and from such other place. For nonperformance of the duties named in this section by officers or soldiers, the punishment shall be as follows: For each absence from company drill or meeting ordered by the commanding officer of any company for instruction or for an election a fine equal to twice the amount of the pay of such absent officer or soldier for attendance at a company drill, as provided in the next section; for each absence from any special duty when ordered by the Governor, or from any parade, drill, in-

spection, or meeting for instruction ordered by the commanding officer of any brigade, regiment or battalion, a fine equal to three times the pay of such absent officer or soldier for a company drill; as provided above for each day's absence from a camp of instructions or from inspection when ordered by the Governor, a fine equal to five times the pay of such absent officer or soldier for a company drill as provided above.

§ 62. For attendance at company drills, the officers and men of the Kentucky National Guard shall be paid as follows for each drill: Privates, fifty cents; corporals, sixty cents; sergeants, below the grade of first sergeants, seventy-five cents; quartermaster sergeants and first sergeants, first and second lieutenants, one dollar; captains, officers above the grade of captains, one dollar and twenty-five cents; to be paid monthly, quarterly or semi-annually as the Governor may direct, out of such funds and in such manner as provided for the payment of troops in other active service; provided that no officer or enlisted man shall receive pay for more than fifty-two company drills, in any one year. Nor for any drill that he does not actually attend and participate in for at least two hours. Pay received for duty on encampment and other active duty shall not be estimated in said fifty-two drills. Payment of troops under this section shall be made on pay rolls furnished by the adjutant general and made out by the commanding officer of the company, troop, battery or detachment, as the case may be, and verified by his oath, showing the exact attendance of each officer and man and the dates thereof, the times absent, and such other facts and information as the Governor may require. Any officer knowingly making a false return in any pay-roll and any officer or non-commissioned officer falsely certifying that any officer or soldier was present at, or participated in any such drill, shall be subject to trial by a general court-martial and to such punishment as the court may inflict.

§ 63. The Governor shall make all necessary orders and provisions to carry this and the preceding section into effect, and may

provide that a certain per cent of the pay prescribed in the last section, not to exceed one-third of a year's pay or any officer or soldier at any one time, be withheld, and, out of the pay thus withheld there shall be deducted all indebtedness of such officer or soldier for property, and all fines, dues and assessments against him.

§ 64. The commanding officer of each company, troop, battalion, or detachment, shall without trial, deduct from the pay of any officer or soldier, who may be absent from company drill, without sufficient cause, the amount of all fines imposed by law for such absence and shall report the fact and the circumstances to the adjutant general's office. Any officer or enlisted man feeling himself aggrieved by the action of his commanding officer in this respect, shall forward to the adjutant general, through military channels, a statement in writing of his complaint and the grounds therefor. The Governor shall cause such steps to be taken as he may deem necessary to ascertain the truth of such complaint and his decision and orders thereon shall be final.

§ 65. Any officer, enlisted man or civilian, who shall secrete, sell, dispose of, offer for sale, pawn or pledge any arms, uniforms, equipment or other military property belonging to the State of Kentucky or the United States or who shall remove any of said property from the State of Kentucky, shall be guilty of a felony anl upon conviction in any court of competent jurisdiction shall be sentenced to confinement in the State Penitentiary for not less than one nor more than five years.

§ 66. Any officer or soldier who shall, without permission of his commanding officer, remove any uniforms, arms, equipment or other military property belonging to the State of Kentucky or United States from the county in which the organization is stationed to which he belongs, or who shall, after demand made of him by his commanding officer, retain any such property and refuse or fail to deliver same to said commanding officer, shall be subject to a fine of not less than ten dollars and not more than twenty-five dollars, and in addition thereto the value of the property so removed or held by him, to be recovered in any military or civil court having jurisdiction thereof.

§ 67. Any member of the Kentucky National Guard failing to make any return required of him shall be fined by a general court-martial not exceeding fifty dollars, or he may be discharged for neglect of duty by order of the Governor.

§ 68. When the Governor orders any part of the Kentucky National Guard into active service, to aid the civil authorities in upholding and enforcing the law, or to prevent or suppress lawlessness, invasion, or insurrection, or to prevent injury or violence to person or property, as provided herein, and any officer refuses or fails to comply with such orders, he shall be cashiered by sentence of a general court-martial, fined not less than one hundred nor more than three hundred dollars by such a court, and imprisoned in his county jail not exceeding six months, or the Governor may give him a dishonorable discharge from the State service. If any enlisted man so fails or refuses he may be dishonorably discharged by the order of the Governor; or he may be brought before a general court-martial and fined not exceeding one hundred dollars, or imprisoned in the county jail not exceeding ninety days, or both.

§69. It shall be unlawful for any body of men whatsoever, other than the regular organized militia of this Commonwealth and the troops of the United States, to associate themselves together as a military company, or other armed organization, or to drill or parade with arms anywhere in this Commonwealth, without the license of the Governor thereof, which license may at any time be revoked, or for any civilian to wear the uniform of the Kentucky National Guard. Provided, that nothing herein contained shall be construed to prevent benevolent or social organizations from wearing swords, or students in educational institutions, chartered under the laws of the State, wherein military science is part of the course of instruction, from drilling and parading with arms in public under the superintendent of their instructors. Whoever offends against the provisions of this section, or belongs to and parades with any such authorized body of men with arms, shall be punished by a fine of not less than ten nor more than

fifty dollars, or be imprisoned in the county jail, for a term of not exceeding six months or both.

§ 70. Whenever any portion of the Kentucky National Guard shall be ordered into active service, the rules and articles of war and general regulations for the government of the army of the United States shall be considered in force and regarded as a part of this law during the continuance of such service. The commanding officer of an encampment may fix certain bonds, not including any public road, within which no spectator shall enter without leave; and whoever intrudes within such limits when forbidden to do so, or after entering by permission, conducts himself in a disorderly manner, or whoever resists a sentry or guard acting under orders to prevent such entry, or to prevent disorderly conduct, may be arrested by the commanding officer or by his order taken before a justice of the peace of the county where such acts occur and upon conviction of the offense, shall be fined not more than fifty nor less than ten dollars and the costs of prosecution and committed until such fine and costs are paid. Or, if any person shall temporarily erect any stand, booth or other structure for the purpose of exposing for sale, giving, bartering or otherwise disposing of any spirituous or other intoxiciating liquors whatsoever at or within the distance of two miles from any such parade or encampment, he may be put immediately under guard and kept at the discretion of the commanding officer and such commanding officer may turn over such person to any police officer or constable of the city or county wherein such duty, parade or drill, encampment or meeting is held, for examination or trial before any court of justice having jurisdiction of the place, and, upon conviction of the offense he shall be fined not more than fifty dollars nor less than ten dollars and the costs of prosecution, and be committed until such fine and costs are paid.

§ 71. If any person shall interrupt, molest or insult by abusive words or behavior, or shall willfully obstruct any officer or soldier while on duty, or any parade, drill or meeting for military improvement,

the commanding officer of the brigade, regiment, battalion, corps, company or detachment as the case may be until the duty, drill or meeting be concluded, not exceeding twenty-four hours, and such commanding officer may turn over such person to any sheriff, police officer or constable of the city, town or county wherein such duty, drill, parade or meeting is held, and said sheriff, police officer or constable is required to detain him in custody for examination or trial before a court of justice having jurisdiction of the place, and, upon conviction of the offense, he shall be fined not more than fifty or less than ten dollars.

§ 72. Where officers who have done good service shall resign, and non- commissioned officers and privates shall be honorably discharged. they may be admitted into membership of the company, battalion or regiment in which they have served, as a veteran corps, not subject to active service, except as part of the militia of the reserve, and shall be governed by such regulations as may be prescribed in the by-laws of the command of which such corps may belong, and if officers are unable to perform active service by reason of ill health they may, under the Governor's orders, be detached from their companies, battalions or regiment, and assigned to staff or special duty.

§ 73. In the organization of any battalion or regiment there may, in the discretion of the Governor, be added a company or companies of cadets, to be equipped and drilled as the orders of the Governor may prescribe; the ages of the members of the cadet corps shall be between fifteen and eighteen years. Cadets under the age of eighteen shall not be required to do any military duty outside their counties, except in drills and camps of instruction; but all cadets shall otherwise, so far as their organization, discipline and privileges go, be governed by the same laws as the Kentucky National Guard. The qualifications and obligation of the cadets enlistment shall be prescribed in orders, and the written consent of parents or guardians be obtained to their enlistment.

§ 74. The Cadet Battalion of the Agricultural and Mechanical College of Kentucky is hereby made and created an honorary organ-

ization of the Kentucky National Guard. Whenever said Cadet Battalion or any company thereof of not less than fifty-one men, rank and file, shall volunteer for any duty that may be required of the Kentucky National Guard the Governor shall have the power to assign and order said battalion or company to the execution of such duty as if it were a part of the regularly enlisted National Guard.

Whenever any member or members of said Cadet Battalion shall volunteer to any commanding officer of any company, battalion or regiment of the National Guard for any duty that may be required of the Kentucky National Guard such commanding officer shall have the power to assign and order such member or members to the execution of such duty the same as if regularly enlisted in such company, battalion or regiment. Each individual member of said Cadet Battalion, who volunteers for any duty as herein provided, and each member of said battalion, or any company thereof, which volunteers for any such duty shall sign, in duplicate, a paper showing that he has volunteered for such duty, but no person shall be allowed to volunteer for such duty except such persons as are permitted by law to enlist in the Kentucky National Guard. Said papers shall be signed in the presence of the officer to whom said battalion, company or individual member thereof shall report for duty, and a copy thereof shall be forwarded to the Adjutant General of the State and the other copy retained by said officer. Thereupon, said Cadet Battalion, company, or individual member thereof, shall, for the purpose of such duty, be subjected to all laws, rules, regulations, privileges, rights and compensation of the regularly enlisted Kentucky National Guard, until such duty is completed or such battalion, company or individual member thereof, be properly relieved from said duty.

§ 75. Where State Guard companies have been or may hereafter be organized and furnished with public arms or equipemnts by the Governor, in any county of this Commonwealth, the Fiscal Court of said county shall provide, at the cost of the county, an armory for drill, and safe place for keeping such public arms and

equipments where they will be at all times accessible to the company. Said armory shall be constructed of strong and substantial materials. It shall be provided with at least one good room for use as an office or headquarters, a drill hall not less than one hundred feet in length by fifty feet in width, and at least 65 strong secure lockers each of convenient size to contain a soldier's rifle and equipment. Said Fiscal Court shall also provide the necessary heat, light and water for said armory.

The Circuit Court of the county shall have jurisdiction and power, by mandamus or other appropriate proceeding, upon suit filed by the Attorney General or any County Attorney or Commonwealth's Attorney, to compel compliance with this section by said Fiscal Court and the members thereof. And it is hereby made the duty of the Attorney General and of any Commonwealth's Attorney or County Attorney of the State within their district or county upon the request of the Adjutant General to institute and prosecute appropriate proceedings to enforce the provisions of this section.

§ 76. Any incorporated town or city of this Commonwealth may provided the armory in the county in which such town or city is situated, as required by the preceding section or may assist the county in providing, furnishing, equipping and heating such armory, and the General Council or other governing body of such city or town is hereby authorized and empowered to appropriate funds out of the general fund by ordinance for such purpose.

§ 77. The Governor is hereby authorized and empowered to order and direct payment, out of any funds in the Treasury not otherwise appropriated, of such sum or sums as he may deem necessary, to be used and expended in erecting, furnishing and equipping armories for the use of the active militia, in the various counties, cities or towns of the State as he may determine: Provided, that the county, city or town in which said armory is erected shall pay, or cause to be paid at least one-half the cost of purchasing the grounds and erecting, furnishing and equipping said armory and shall convey said grounds,

armory and improvements, or cause the same to be conveyed to the State of Kentucky by a good and lawful deed, conveying a good and fee simple title free from incumbrance: And provided further, that the Governor shall not direct the payment of more than five thousand dollars for any one armory, nor more than twenty-five thousand dollars in any one year under this section. The county in which an armory is erected, pursuant to this chapter, shall thereafter maintain the same, and provide it with all necessary heat, light and water with or without the aid of the city or town in which the armory is located.

§ 78. So much money as may be necessary to carry the provisions of the foregoing sections into effect, relating to the erection of armories, not exceeding twenty-five thousand dollars each year, is hereby appropriated out of the funds of the Treasury not otherwise appropriated. And the auditor is directed to draw his warrants upon the Treasurer from time to time payable to such persons, and in such amounts, in accordance herewith, as the Governor may in his written order direct.

It is hereby made the duty to cause all necessary and proper inspections and examinations to be made by the adjutant-general or other office of persons designated by him of the proposed site for such armory, the title thereto, the plans for the building, and the contract therefor and to further cause such building to be inspected as the work progresses and after it is completed, and to do any and all things necessary to protect the State's interests. He will cause a full and complete report to made by the adjutant-general to each General Assembly of all his acts hereunder, and all moneys expended, property acquired, armories erected, etc.

§ 79. The Governor is also authorized and empowered to except any apportionment or appropriation of funds which may be made to the State by the United States or by any person, for the purpose of purchasing sites and erecting armories or to purchase grounds for

rifle ranges and by proper orders, to cause such funds to be used for such purposes.

§ 80. The Governor is authorized and empowered to contract State by the United States for that purpose, such lands and for and purchase, with funds apportioned and appropriate to the materials as he may deem necessary to establish and equip proper and suitable ranges for rifle and target practice by the militia of the State. (Whenever he may be unable to contract with the owner of any land or material necessary, in his judgment, for such purpose at its reasonable value, he may cause such land or materials to be condemned by the same proceedings as provided by law for condemnation of lands and materials by railroad companies, and it shall be the duty of the attorney general and of any Commonwealth attorney within his own district, and of any county attorney, within his own county, when so requested by the adjutant general or the Governor to institute and prosecute, to a conclusion, appropriate proceedings for the condemnation of such lands and materials for the purpose aforesaid.

§ 81. Every member of the National Guard, while in attendance at any drill provided for in this law, or at any parade, review, battalion, regimental, or other drill, or any escort duty, or paying military honors, or either, within or without this State, or on any military excursion or encampment authorized by the Governor, or by his commanding officer shall be considered on active duty at such times and shall for the time be subject to all the laws, rules and regulations provided for the government of the militia while in active service.

§ 82. Such inspection of troops, arms, arsenals, armories and public property and such reports shall be made as the Governor may direct.

§ 83. The Governor shall have power to direct that any company or organization of the National Guard shall be mustered out

of service when, in his judgment the interests of the National Guard requires such action. No such mustering out of service shall relieve any officer of any bond he may have executed for the safe keeping and return of any public property that may have been supplied to such company nor shall any officer whose resignation is accepted be thereby relieved of any liability under such bond.

§ 84. No person belonging to the active militia of the State shall be arrested on any civil process while going to, remaining at, or returning from any place at which he may be required to attend for military duty.

§ 85. Any person belonging to the military forces of the State, going to or returning from any parade, encampment, drill or meeting which he may be required by law to attend, shall, together with his conveyance and military property of the State in his charge, be allowed to pass free through all tollgates and over all toll bridges and ferries, if he is in uniform or presents an order for duty or certificate of membership in the active militia.

§ 86. There is hereby appropriated the sum of seventy-five thousand dollars per annum and this fund shall constitute the military fund of the State. Sixty-two thousand dollars of said fund shall be paid annually out of any funds in the treasury not otherwise appropriated, and the remaining thirteen thousand dollars of said fund shall be paid annually out of the funds heretofore appropriated for the benefit of the National Guard by a resolution entitled "Resolution appropriating money to reorganize, extend the organizations and equip the National Guard and recover the possession of State's munitions of war," which was approved March thirteenth, one thousand nine hundred, until the funds appropriated by said resolution or so much thereof as may not have been heretofore expended, shall be exhausted, and no part of said fund appropriated by said resolution shall be used except as provided by this act, and paid

out of any funds in the treasury not otherwise appropriated. This fund shall be disbursed from time to time, by the authority of the Governor and under such regulations as he shall prescribe for the organization, administration, equipping and uniforming the National Guard; for the purchase of tactics, laws and regulations of the army of the United States; for instruction of the National Guard; for the publishing of regulations for their government; for the renting of armories; for the purchase of such camp and garrison equippage and military stores as may be necessary and generally, as in his judgment may best promote the interest of the National Guard.

§ 87. The Adjutant General shall be furnished a suitable office in some of the public buildings at the capital of the Commonwealth, and shall, in addition to his other duties, under the direction of the Governor, collect moneys that may be due the Commonwealth on account of war claims for arms and supplies furnished by the State to the United States on account of the late war, and the Civil War. He shall receive an annual salary of two thousand, four hundred dollars for all services imposed on him by law, to be paid monthly out of the Treasury, and shall appoint one Ordinance officer in charge of the State Arsenal with the rank of Captain, who shall under the direction of the Adjutant General, take proper care of all arms and other State or government property kept therein and who shall receive an annual salary of eight hundred dollars, to be paid in like manner as the salary of the adjutant general. And in addition to said salary of eight hundred dollars, to be so paid, said Ordinance officer shall annually be paid two hundred dollars in equal monthly installments, out of the State military fund, appropriated by the next preceding section, and said sum of two hundred dollars shall not be a charge upon the State Treasury. The Assistant Adjutant-General shall receive an annual salary of eighteen hundred dollars, to be paid in like manner as the salary of the adjutant general. The Judge Advocate General shall receive for his services as from time to time required,

a reasonable compensation, to be fixed by the adjutant general, and approved by the Governor and paid out of the Treasury on warrant of the Auditor of Public Accounts, upon duplicate accounts certified by the adjutant general and counter-signed by the Governor.

§ 88. Other officers and men of the Kentucky National Guard when ordered out on duty by the Governor or by any circuit judge, county judge, mayor of a city, sheriff of a county, jaileor or marshal to prevent or suppress any actual or threatened invasion, insurrection, domestic violence, breach of the peace, riot or resistance to the process of the State or violence to life or property or other danger to the public interests or to assist the civil authorities in the maintenance of law as provided in this chapter, shall be considered in active service and shall receive pay as follows: The brigadier general, colonels, lieutenant colonels, majors, captains, first lieutenants and second lieutenants, shall receive the same pay per day as officers of corresponding grades of the United States Army, sergeants of and above the grade of first, two dollars; other sergeants and corporals, one dollar and seventy-five cents; and privates one dollar and fifty cents per day, the same to be paid out of the Treasury on warrant of the Auditor of Public Accounts, upon company or individual pay-rolls as necessity may require, accompanied by copies of the orders bearing on the case, certified by the adjutant general and approved by the Governor by his own signature. Each officer and each enlisted man shall also be entitled to one ration per day and forage to be the same as in the army of the United States, or commuted at the actual cost thereof or of subsistence. Officers or men performing duty in a grade higher than their own, shall receive the pay of such higher grade for such service. Officers and men performing any special duty under orders of the Governor for which no pay is fixed by law shall receive the pay provided in this section to be paid in the same manner.

§ 89. The public arms, ordnance and quartermaster's stores and camp equippage of the Commonwealth shall be kept at the seat of government in the State Arsenal by the Adjutant General and shall be kept in good order. The adjutant general shall at each session of the General Assembly report to the Governor the quantity, quality and kind of public arms and stores in the arsenal. If any have been withdrawn by the order of the Governor, the adjutant general shall state by whom and the quantity. No part of the public arms or munitions of war shall be withdrawn from the arsenal except upon the order of the Governor and only by such militia companies and persons as shall be designated by him. When public arms or munitions of war are so withdrawn the adjutant general shall take the receipt of the persons receiving the same, reciting the quantity and quality withdrawn and stipulating that they are to be accounted for or returned when required by the Governor, which receipt with the order of the Governor, shall be carefully preserved in the office of the adjutant general. If the arms and public property withdrawn from the arsenal are not returned in proper order, within a resonable time after the order of requirement of the Governor the adjutant general shall institute the proper procedure in the name of the Commonwealth to coerce the return of the said public property or to recover their value or amount, they may be wrongfully injured and shall also cause the offender to be brought before a court martial and proceeded with as prescribed in this chapter. He shall report the result of the said procedure and what part of the public arms and property he may have retained and what amount he has realized for those not retained or wrongfully injured. The net amount of money recovered shall be laid out in the purchase of other arms and munitions of war which shall not be withdrawn from the arsenal except upon order of the Governor. The Governor shall, from time to time, lay all the reports made to him as herein directed before the General Assembly. The adjutant general shall have power, under the orders of the Governor, to dispose of unserviceable arms, munitions of

war, equippage, or any military property, by sale or otherwise, as the interests of the service may require, report of his procedure being made to the Governor, and the proceeds of any sales to be a part of the State Military Fund. A citizen of the State shall not be held responsible for arms or munitions of war taken from him by armed force.

§ 90. The acts of Congress for the government of the militia of the United States are in force in this State. The articles of war and laws governing the army of the United States shall, so far as applicable, be a part of this law, and also the rules and regulations for said army, so far as are consistent herewith, and subject to such modification as the Governor may direct. The Governor is authorized to make and publish such regulations as will increase the discipline and efficiency of the Kentucky National Guard. Whenever, in his judgment, it is necessary he may convene a board of not less than three nor more than five officers, who shall prepare or revise a code of regulations for the government of the Kentucky National Guard, which, when approved by the Governor, shall become the rules and regulations to govern the militia of the State.

§ 91. The officers and enlisted men of the Kentucky National Guard are exempt from jury service.

§ 92. For the purpose of military instruction in camp duties and in field and campaign service and in small arms practice, the Governor may order the whole or any part of the Kentucky National Guard into active service for a period of not exceeding three weeks in any one year. For such service the enlisted men of the Kentucky National Guard (all below the grade of commissioned officers) shall receive the same pay as enlisted men of the regular army according to their grade or rank, to be paid in the same manner and out of such funds as the militia is paid for active service, and to be in addition to any amount paid such enlisted men out of the National Government appropriation. In any year that the commissioned

officers of the Kentucky National Guard can not be, and are not paid for such service out of the National Guard appropriation they shall receive the same pay from the State as allowed for other active service to be paid in the same manner and out of the same funds.

§ 93. United States forces or troops or any portion of the Kentucky National Guard parading or performing any duty according to law, shall have the right of way in any street or highway through which they may pass: Provided, the carriage of the United States mails, the legitimate function of the police, and the progress and operation of fire engines and fire departments shall not be unnecessarily interfered with thereby.

§ 94. It shall be the duty of the Adjutant General to index and properly prepare this law, and such regulations as the Governor may add thereto and have the same printed for distribution among the members of the Kentucky State Guard.

§ 95. The Adjutant General of the State of Kentucky is hereby directed to gather all the data obtainable concerning the different organizations who enlisted or served in the army of the Confederate States in the war of the rebellion, compiling the same by regiment, battery, troop and company in the usual form of reports of Adjutant General, made heretofore in this Commonwealth in regard to other similar organizations, and adding thereto such other information as he may deem best, and he will enter same upon a book to be kept in his office, as a public record, giving regiments, etc., in their consecutive number and he will cause same to be printed in a book to be well bound in cloth and furnish one copy to each county clerk of this Commonwealth and one copy to each Adjutant General of the several Commonwealths of these United States, preserve a reasonable number for his office and the State Library and cause a suitable number to be printed and placed with the State Librarian for sale at a price to be agreed upon by and between the said Adjutant General and the Librarian.

§ 96. He is likewise directed to have the muster-out rolls of the first, second, third and fourth Kentucky Volunteers and two troops of cavalry who served in the war with Spain entered upon a record book to be kept in his said office, and to have same printed in a book of one volume well bound in cloth and boards and will distribute same as the books of the Confederate volunteers are directed to be distributed.

§ 97. The book containing the list of Confederate volunteers shall be labeled on the title page and on the outside cover, "Confederate Kentucky Volunteers War 1861-65."

The report and book of the Spanish-American Volunteers shall be likewise marked with the words "Kentucky Volunteers War with Spain 1898-99."

In compiling this record the Adjutant General shall be allowed his actual expenses in gathering data of the Confederate veterans and expense of copies of the war department and the assistance of a clerk or stenographer in compiling same at a salary to be agreed upon by the Governor and Adjutant General.

§ 98. The printing made necessary under this resolution shall be done by the public printer, and he shall receive the same pay therefor and be paid in the same manner as other printing is paid for.

§ 99. Any and all expenses arising under this resolution shall be paid out of the general expense fund, and the Auditor shall draw his warrant in favor of the person to whom same is due upon accounts approved by the Adjutant General and the Governor.

§ 100. All matters relating to the organization, discipline and government of the National Guard not otherwise provided for in this act or in the general regulations shall be decided by the custom and usage of the United States Army.

§ 101. No section or provision of this chapter or any part there-

of shall be deemed to be repealed, altered, amended by any statute or act passed by the General Assembly unless such statute or act explicitly refers to this chapter and the section thereof intended to be repealed, altered or amended, and explicitly repeals, alters or amends the same or some part thereof.

§ 102. All existing laws for the regulation of the military forces of this State, except as contained in this chapter are hereby repealed.

Mr. Lillard offered the following amendments to said bill:

Section 6, line 5, insert the words "'Inspector of small arms practice."

Section 10, after word "Colonel" in line 9, insert the following: "All officers who, as commanding officers of companies, batteries, troops or otherwise, shall be responsible for United States or State property or the disbursement of company appropriations for armory rent and contingent expenses, shall give a bond in such sum as may be fixed by the military board. Said bond to be approved by the Adjutant General, and filed in his office; said bond to be given in some guarantee company, the expense of giving said bond to be paid by the State of Kentucky.

Section 11, line 5, for notifications read modifications.

In section 17, line 10, substitute 30 for 51.

Section 22, line 22, substitute word company for county.

In section 31, line 7, for article read articles.

Section 38, line 5, for registration read resignation.

Section 40, line 8, for officer read officers.

Section 42, line 1, for registration read resignation.

In section 69, line 12, for superintendent read superintendence.

Section 70, line 6, for bonds read bounds.

Section 78, line 10, for office of person read officer or person.

Section 79, line 1, for except read accept.

In section 80, line 2, for appropriate read appropriated and add a clause providing a title to such land shall invest in the United States, this to conform to the U. S. laws.

Section 87, line 9, for ordinance read ordnance.

Section 87, line 15, for ordinance read ordnance

Section 88, line 5, for greach read breach.

Section 89, line 26, for retained read returned.

Section 89, line 28, for "puon" read upon, and insert the words, "the order of."

Section 89, line 32, for equippage read equipage.

Section 93, line 2, for my read any.

Mr. F. M. Hutcheson, Jr., moved that said bill and amendments be recommitted to the Committee on Military Affairs.

Said motion was disagreed to.

The yeas and nays being required thereon, by Messrs. S. A. Smith and Harris, were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	R. Dillard Hunter,	Robert C. Simmons,
Robert H. Anderson,	F. M. Hutcheson, Jr.,	John L. Smith,
Elliott B. Beard,	J. H. Jackson,	J. W. Stump,
J. W. Berkshire,	W. J. Jackson,	J. A. Sullivan,
P. W. Berkshire,	Hugh Mahin,	J. B. Swann,
O. Houston Brooks,	W. C. McChord,	Eugene W. Tandy,
Frank J. Brown,	A. C. Oliver,	C. S. Templeman,
J. T. Buford,	W. V. Perry,	Wm. M. Thompson.
Dr. C. F. Crecelius,	John C. Pirtle,	Geo. C. Waggoner,
Robert Enlow,	J. F. Porter,	E. E. Wash,
F. E. Graves,	S. Albert Shanklin,	Geo. S. Wilson—33

Those who voted in the negative were—

O. P. Applegate	R. L. Gwathmey,	J. B. Maynard,
Louis W. Arnett,	C. W. G. Hannah,	Emanuel Meyer,
F. Pierce Blair,	Robert L. Harris,	Duncan Milliken,
W. N. Brown, Jr.	John P. Haswell, Jr.,	Garfield Moore,
Albert Butler,	R. F. Hutchinson,	Chris Mueller,
C. C. Chase,	W. Harrison Isaacs,	G. W. Parrott,
H. K. Cole,	T. C. Jackson,	C. C. Patrick,
Denver B. Cornett,	W. H. Jones,	G. L. Perryman,
John T. Davis,	W. F. Klair,	R. S. Rector,
W. A. B. Davis,	W. L. Kimbrough,	Isaac G. Rice,
Henry H. Denham,	Cleves G. Kinkead,	John T. Shanklin,
Thurman B. Dixon,	A. T. Knox,	Sawyer A. Smith,
Wm. E. Dowling,	A. T. Lee,	R. E. Stewart,
J. A. Duff,	E. W. Lillard,	D. P. Taggart,
Thos. E. Finley,	Jasper D. Lowder,	Harry Weitkamp,
S. L. Givan,	Wm. S. Markolf,	W. C. Wynn—48

Pending the further consideration of said bill the hour of five o'clock p. m. having arrived, the House stood adjourned.

FRIDAY, MARCH 13, 1908.

The Clerk of the House produced and read the following communication:

Jaes E. Stone, Chief Clerk of the House:

Dear Sir—I hereby designate Hon. W. F. Klair, of the city of Lexington, to be Speaker *pro tem.* for the day and until I shall have designated some one else to act in his stead.

W. J. GOOCH, Speaker.

The House was opened with prayer by Rev. Father T. M. Major, of the Catholic Church.

The reading of the journal of yesterday's proceedings was dispensed with.

A message was received from the Senate that they had passed bills which originated in the House of the following titles:

H. B. 21. An act to provide for the care, custody and maintenance of court houses, and the court rooms and offices therein, and the public grounds adjacent thereto, in counties containing cities of the second class.

H. B. 64. An act to promote and compel attendance of children in schools and to prevent truancy in cities of the first, second and third class, and fourth class, and to enable board of education or board of school trustees of cities of first and second class to establish and maintain parental or truant schools for the care and discipline of truant children and for the purpose of reducing truancy.

H. B. 92. An act to amend an act approved March 21, 1906, entitled, An act to establish a system of State Normal Schools in Kentucky; to create a board of regents for the general management thereof; to create a Normal Executive Council, which shall determine the requirements for admission and graduation and the course of study for the said schools; to create a commission which shall determine the location of said schools and to appropriate funds for their maintenance.

H. B. 93. An act to amend so much of section 965 of Kentucky Statutes as relates to the time of holding court in the Second Circuit Court District.

H. B. 152. An act to repeal chapter 71, Acts of 1906.

That they had concurred in amendments proposed by the House to bills which originated in the Senate of the following titles:

S. B. 16. An act to amend section 3948, chapter 104, Kentucky Statutes.

S. B. 32. An act to authorize under certain conditions and restrictions the use of public highways, roads and turnpikes by persons, firms or corporations engaged in the transmission and distribution of electricity for lighting, heating and power purposes.

And had passed such bills as amended.

That they had passed bills of the following titles:

S. B. 128. An act relating to revenue and taxation, repealing so much of the Act of the General Assembly of the Commonwealth of Kentucky enacted in the year 1906 by said General Assembly, which said act was approved March 15, 1906, by the Governor of said Commonwealth, the said part of said act proposed to be repealed being designated in the official public acts of the General Assembly of the Commonwealth of Kentucky of 1906, as Article 17, styled Revenue Agents, appointment and term of office, and relating to the appointment by the State Auditor of revenue agents for each county of the Commonwealth, and for revenue agents from the State at large.

S. B. 129. An act to provide for the erection in the Shiloh National Military Park of a Kentucky State Memorial commemorative of the services, devotion to duty and the patriotism of the soldiers from this State, both union and Confederate, who served in the operations of the Shiloh battle.

S. B. 203. An act authorizing the city council of towns of the fifth class to pave, construct or reconstruct streets, avenues, highways and other public places at the expense of the abutting land owners.

S. B. 228. An act to prevent circus or wild west shows from showing during a live stock and agriculture fair held in a county seat in this State.

S. B. 229. An act preventing the unlawful issuing, selling, exchanging or giving away of street railway transfer tickets and prescribing a penalty therefor.

S. B. 240. An act to amend and re-enact section 2514 of the Kentucky Statutes, compiled and edited by John D. Carroll, and issued in the year 1903.

S. B. 282. An act to amend and re-enact sections 3147, 3869, 3070, 3179, 3184, 3185, and 3187 of the Kentucky Statutes relating to cities of the second class in the Commonwealth of Kentucky.

Said bills were ordered to be printed and referred:

1. To the Committee on Revenue and Taxation.

2. To the Committee on Public Monuments and Historical Records.

3. To the Committee on Cities of the Fourth, Fifth and Sixth Class.

4. To the Committee on Agriculture.

5 and 7. To the Committee on Municipalities.

6. To the Committee on Judiciary.

The House took up for consideration from the calendar bills and a resolution of the following titles:

S. B. 76. An act to amend an act entitled, An act to create a State School Book Commission and a County School Book Commission to procure for use in the public schools of this Commonwealth a uniform series of text books and to define the duties and powers of said commission; to fix the maximum prices of said text books, to make preparations for carrying this act into effect, and providing penalties for a violation of the same, being chapter 3 of the acts of 1904.

S. B. 254. An act for the benefit of the Kentucky School for the Deaf.

S. B. 146. An act to appropriate money for the benefit of the Houses of Reform, to provide funds for the existing deficit and to make improvements at the Houses of Reform.

S. B. 145. An act to amend an act entitled, An act to amend an act to amend and re-enact as amended section 1 of an act to provide for the operating expenses of the Houses of Reform, approved March 15, 1898, which act was approved March 21, 1902.

S. B. 175. An act to amend section 78 of an act entitled, An act for the government of cities of the fourth class, approved June 28, 1893, said section being 3562 of the Kentucky Statutes, 1903, Carroll's Edition.

S. B. 17. An act amending and re-enacting section 74, title 5, of the Civil Code of Practice.

S. B. 79. An act to amend section 2 of an act entitled, An act to regulate burial associations, corporations and companies doing business in the State of Kentucky, which act became a law March 24, 1906, without the approval of the Governor.

S. B. 200. An act to amend section 3, of Article 5, of an act entitled, An act for the government of cities of the second class in the Commonwealth of Kentucky, which was approved March 19, 1894, and which is now section 3108 of the Kentucky Statutes.

S. B. 190. An act providing vacations for guards at the penitentiaries and Houses of Reform.

S. B. 221. An act to amend and re-enact sections 12, 13, 14, 17, 18, 19, 20 and 26 of an act entitled, An act concerning conveyances, approved April 22, 1893, and being sections 501, 502, 503, 506, 507, 508 and 514, chapter 29, of the Kentucky Statutes, compiled by John D. Carroll, and issued in 1903; and to amend and re-enact section 1 of an act entitled, An act to cure certain defective certificates of proof

deeds and to make copies from the records prima facie evidence in the courts and tribunals of the State approved March 24, 1902, and being section 519a of said statutes.

S. B. 218. An act further regulating companies authorized to write fire, fire and marine, marine and tornado insurance in this State and providing penalties for rebating.

S. B. 181. An act to amend chapter 18 of the acts of 1906 entitled, An act creating and establishing a Board of Commissioners to be known as the Kentucky State Board of Control for Charitable Institutions, and prescribing its powers and duties.

S. B. 110. An act to amend an act amending section 955 of the Kentucky Statutes which relates to the time of holding courts in the Twelfth Judicial District, approved March 21, 1906.

S. B. 236. An act fixing the time of holding circuit courts in the Sixth District.

S. Res. 5. Resolution providing for the appointment of a commission of five members from the present General Assembly to be made known as the Good Roads Commission, whose duty it shall be to devise ways and means to this end to prepare and submit to the next General Assembly of Kentucky any bill or bills as will in their judgment when enacted into laws bring to Kentucky the best system of public roads at the least possible cost, and providing for their necessary expenses.

Ordered, that said bills and resolution be read the second time.

The constitutional provision as to the second reading of said bills and resolution at length being dispensed with, said bills and resolution were severally read the second time by their titles.

Ordered, that said bills and resolution be placed in the orders of the day.

The committees to which the same had been referred reported bills of the following titles:

By Mr. Beard, of the Committee on Insurance:

S. B. 207. An act to further regulate assessment fire insurance companies.

By Mr. Waggoner, of the Committee on Public Morals:

S. B. 149. An act to amend an act entitled, An act to regulate the sale of intoxicating liquors by wholesale in this Commonwealth, which was approved March 22, 1904, and amended by an act approved March 21, 1906.

By Mr. Brooks, of the Committees on Cities of the Fourth, Fifth and Sixth Classes:

S. B. 92. An act to amend and re-enact certain sections of the Kentucky Statutes, chapter 89, article 5, relating to cities of the fourth class.

By Mr. F. M. Hutcheson, Jr., of the Committee on Printing:

S. B. 4. An act to repeal chapter 105 of the Kentucky Statutes, 1903 edition, title Public Printing, Binding and Stationery, and to reenact in lieu thereof sections 3953 to 3995, both inclusive.

By Mr. P. W. Berkshire, of the Committee on Internal Improvements:

S. B. 191. An act to amend an act for the erection, maintenance and protection of public levees.

By Mr. Wash, of the Committee on Appropriations:

S. Res. 4. Resolution for the benefit of H. D. Arnold.

By Mr. Allphin, of the Committee on Claims:

S. Res. 8. Resolution for the benefit of B. F. Beard and Company and Hardin and Payne.

By Mr. Crecelius, of the Committee on Public Health:

S. B. 10. An act to provide for the location, erection, organiza-

tion and management in Kentucky of a State sanatorium and treatment of tuberculosis, and making an appropriation for the purchase of the necessary land and the construction and equipment of necessary buildings, and making an appropriation for the maintenance of the sanatorium.

By Mr. J. H. Jackson, of the Committee on Education No. 2:

S. B. 139. An act to fix certain duties of the Superintendent of Public Instruction and to make provision for the payment of his traveling expenses.

By Mr. Klair, of the Committee on Municipalities:

S. B. 213. An act to amend an act entitled, An act in relation to the control, management and operation of water works in cities of the first class, approved March 6, 1906.

By Mr. Mahin, of the Committee on Agriculture:

S. B. 112. An act to amend and re-enact an act to prevent adulteration.

By Mr. Allphin, of the Committee on Claims:

S. Res. 7. Resolution for the benefit of the widow of the late Hon. G. W. Hickman.

By Mr. Crecelius, of the Committee on Public Health:

S. B. 172. An act to prevent abuse in the handling of and requiring the proper cleaning of dairymen's shipping cans.

By Mr. Porter, of the Committee on Mines and Mining:

S. B. 44. An act to provide for the appointment of two additional inspectors of coal mines, and to provide for the examination of applicants for certificates of qualification to serve as foremen in coal mines and require that persons possessing such certificates of qualifications, or possessing service certificates shall be employed as such

foremen, and to require the employment of special shot-firers in coal mines wherein explosive gases or coal dusts generate or exist in dangerous quantities, and to otherwise provide for greater protection of the lives and health of persons employed in the coal mines of the State.

By Mr. Richardson of the Committee on Charitable Institutions:

S. B. 168. An act amending the law governing the Kentucky Confederate Home.

By Mr. Pirtle, of the Committee on Education No. 1:

S. B. 152. An act for additional improvements at the Kentucky Normal and Industrial Institute for Colored Persons.

By same:

S. B. 249. An act to establish and maintain public libraries.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

Mr. Arnett moved that the present session be extended until 2 o'clock, and that when the House adjourn it be to meet tomorrow morning at 10 o'clock.

Said motion was agreed to.

Mr. Wilson moved to reconsider the vote by which said motion was agreed to, and to lay that motion on the table.

Said last motion was agreed to.

Mr. Wilson moved that said House do now adjourn.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. S. A. Smith and Harris were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
F. E. Graves,
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.,
J. H. Jackson,
W. J. Jackson,
W. F. Klair,
Hugh Mahin,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
Gus W. Richardson,
W. H. Shanks,
Robert C. Simmons,
John L. Smith,
John S. Steers,
J. W. Stump,
J. B. Swann,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson—37

Those who voted in the negative were—

O. P. Applegate
Louis W. Arnett,
F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
C. C. Chase,
W. A. Cope,
Denver B. Cornett,
John T. Davis,
W. A. B. Davis,
Thurman B. Dixon,
J. A. Duff,
Thos. E. Finley,
S. L. Givan,
R. L. Gwathmey,
C. W. G. Hanna,
Robert L. Harris,
John P. Haswell, Jr.,
R. F. Hutchinson,
W. Harrison Isaacs,
T. C. Jackson,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
Duncan Milliken,
G. W. Parrott,
C. C. Patrick,
G. L. Perryman,
Isaac G. Rice,
John T. Shanklin,
S. Albert Shanklin,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
D. P. Taggart,
John P. Wallace,
W. C. Wynn—43

Mr. Shanks moved that a bill entitled:

S. B. 216—An act concerning education and to dedicate to this purpose the lot of ground and buildings known as the old State Capitol in Frankfort, Kentucky.

Which was referred to the Committee on Education No. 2; be now transferred to the Committee on Education No. 1.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 444. An act prescribing further duties of the Chief Clerks of the Senate and House of Representatives and providing compensation therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be the duty of the Chief Clerks of the Senate and House of Representatives to keep on file and preserve in the office of their respective Houses a correct journal of the Senate and House of Representatives respectively. They shall each furnish to the Public Printer or contractor for the public printing a copy of same for his use in printing and binding said journals as now provided by law. They shall receive as compensation for said service 25 cents per page.

§ 2. The said Clerks shall, after the adjournment of each session of the General Assembly, carefully compare the printed signatures of the journals as furnished by the Public Printer or contractor for the public printing, with the journals as prepared and kept by them and correct any errors and supply any omissions which may appear therein. The Public Printer or contractor for the Public Printing shall not bind for final distribution the journals above named until the corrected proofs have been furnished him by the clerks aforesaid.

For the comparing and correcting the proofs as aforesaid the

said clerks shall receive as compensation the same per diem as now allowed by law during the sessions of their respective houses for such time as they may be necessarily engaged in said duties, not, however, to exceed thirty days.

§ 3. The compensation provided for in this act shall be paid by the Treasurer upon warrant issued by the Auditor of Public Accounts. The said warrants to be issued by the Auditor upon the certificate and sworn statement of each of said clerks as to the number of pages copied and days engaged.

§ 4. Whereas, This service must be performed before the said journals can be printed and bound, an emergency exists, and this act shall take effect upon its passage and approval by the Governor, or upon such date as it may become a law.

Ordered, That said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

That yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

Louis W. Arnett,	John P. Haswell, Jr.,	W. V. Perry
Elliott B. Beard,	R. Dillard Hunter,	G. L. Perryman,
J. W. Berkshire,	F. M. Hutcheson, Jr.,	John C. Pirtle,
P. W. Berkshire,	R. F. Hutchinson,	R. S. Rector,
F. Pierce Blair,	W. J. Jackson,	Isaac G. Rice,
O. Houston Brooks,	T. C. Jackson,	Gus W. Richardson,
Frank J. Brown,	W. H. Jones,	H. A. Schoberth,
W. N. Brown, Jr.	W. F. Klair,	W. H. Shanks,
J. T. Buford,	Cleves G. Kinkead,	S. Albert Shanklin,
Albert Butler,	A. T. Knox,	J. A. Sloan,
C. C. Chase,	A. T. Lee,	Wm. M. Thompson.

J. Will Clay,
H. K. Cole,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
John Feland,
S. L. Givan,
F. E. Graves,
C. W. G. Hannah,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
Duncan Milliken,
Garfield Moore,
Chris Mueller,
J. F. Nichols,
G. W. Parrott,
C. C. Patrick,
Sawyer A. Smith,
John S. Steers,
J. W. Stump,
J. B. Swann,
Eugene W. Tandy,
John L. Smith,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
Geo. S. Wilson—71

Resolved, That the title thereof be as aforesaid.

Mr. Graves moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day joint resolution entitled:

H. Res. 6. Resolution for the benefit of William Wilson.

Said resolution is as follows:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the sum of two dollars per day be, and is hereby, appropriated and allowed William Wilson for services in carrying record books for the clerks of the Senate and House of Reprensentatives to and from the offices of said clerks during the present session.

2. Whereas, Said Wilson needs the wages due him for his labor, as it is earned for his support, an emergency exists, and this resolution shall take effect upon its adoption.

Ordered, That said resolution be engrossed and read for the third time.

The provisions of the constitution as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Louis W. Arnett,
Elliott B. Beard,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
Albert Butler,
C. C. Chase,
H. K. Cole,
John T. Davis,
W. A. B. Davis,
Thurman B. Dixon,
W. F. Edmunds,
Robert Enlow,
S. L. Givan,
F. E. Graves,
R. Dillard Hunter,
F. M. Hutcheson, Jr.,
W. Harrison Isaacs,
R. S. Rector,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
W. C. McChord,,
Emanuel Meyer,
Duncan Milliken,
Chris Mueller,
Jesse F. Nichols,
A. C. Oliver,
C. C. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
Gus W. Richardson,
John T. Shanklin,
S. Albert Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
Eugene Tandy,
Wm. M. Thompson,
Geo. C. Waggoner,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson—62

Those who voted in the negative were—

W. L. Kimbrough,
J. B. Maynard—2

Resolved, That the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 417. An act to regulate the charges for transportation of freight and passengers by steamboat or other common carriers upon the waters wholly within the State of Kentucky, and to further increase and define the powers and duties of the Railroad Commission.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ . All companies, firms or corporations engaged in the transportation of freight and passengers by steamboat, for pay or hire, upon any of the waters wholly within the State of Kentucky are hereby declared to be and are common carriers.

§ 2. It shall be the duty of the Railroad Commission either upon its own initiative, or on written complaint, to investigate the charges made, collected or received by such common carriers for the transportation of persons or property to and from points wholly within the State of Kentucky.

§ 3. Before making such investigation, said Commission shall notify in writing such carrier or an officer, agent or employe thereof of the nature of the matter to be investigated at least ten days prior to such investigation.

§ 4. When in the judgment of said Commission said rates or any of them are found to be unjust, unreasonable, discriminatory, or extortionate it shall be the duty of said Commission, by an order en-

tered of record in its office at Frankfort, Kentucky, to make, fix, and promulgate just and reasonable rates for like services thereafter to be performed by such common carriers, which rates so fixed shall become effective at the expiration of ten days after said order shall have been entered and a copy thereof attested by the Secretary of the Commission mailed to such common carrier, or an officer, agent or employe thereof.

§ 5. Should such common carrier or any officer, agent or employe thereof charge, collect or receive rates in excess of those fixed by said Commission's order as hereinbefore provided, such common carrier. officer, agent or employe thereof shall each be guilty of a misdemeanor and upon conviction shall be fined for the first offense in any sum not less than five hundred nor more than one thousand dollars and upon a second conviction in any sum not less than one thousand nor more than two thousand dollars, and for a third and succeeding convictions, in any sum not less than two thousand dollars to be recovered by an indictment or action in the name of the Commonwealth.

§ 6. All prosecutions under this act shall be commenced within two years after the offense shall have been committed.

Mr. Milliken offered the following amendment:

Amend by striking out the word "or" in line one, section one, and after the word "corporations" in line one, section one, insert the words "or persons."

Amend line six, section five, by striking out the word "five" and inserting the word "one."

Amend line seven, section five, by striking out the words "one thousand" and inserting in lieu thereof the words "five hundred."

Said amendment was agreed to.

Ordered, That said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said

bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
O. P. Applegate
Louis W. Arnett,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
W. A. Cope,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Thurman B. Dixon,
Wm. E. Dowling,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Emanuel Meyer,
Duncan Milliken,
Chris Mueller,
Jesse F. Nichols,
G. W. Parrott,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
Gus W. Richardson,
W. H. Shanks,
John T. Shanklin,
S. Albert Shanklin,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford,
—71

Resolved, That the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution entitled:

H. Res. 8. Resolution for the benefit of the ministers of the gospel of the City of Frankfort.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the sum of $350 is hereby appropriated, out of any money in the treasury not otherwise appropriated, to the ministers of the gospel of Frankfort, who have opened the sessions of the House and Senate with prayer during this session of the General Assembly; said sum to be paid by the Auditor, on the joint warrants of the chief clerks of the Senate and House of Representatives, who will distribute said sum to the ministers entitled to same: Provided, That said sum of $350 shall be paid one-half to the clerk of the House and one-half to the clerk of the Senate, to be distributed by them to the ministers entitled to same.

2. Whereas, It is but just and fair that these services should be paid for promptly, an emergency is declared to exist, and this resolution shall take effect from and after its adoption.

Ordered, That said resolution be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin, W. F. Klair, Gus W. Richardson,

Louis W. Arnett,
Elliott B. Beard,
P. W. Berkshire,
Frank J. Brown,
J. T. Buford,
Albert Butler,
C. C. Chase,
Dr. C. F. Crecilius,
J. A. Duff,
W. F. Edmunds,
F. E. Graves,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
W. H. Jones,
Cleves G. Kinkead,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
W. C. McChord,
Emanuel Meyer,
Duncan Milliken,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
W. V. Perry,
G. L. Perryman,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
W. H. Shanks,
John T. Shanklin,
S. Albert Shanklin,
J. A. Sloan,
John L. Smith,
John S. Steers,
J. W. Stump,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
J. Hal. Woodford,
W. C. Wynn—54

Resolved, That the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 241. An act to amend sub-section 2412a, article 8, chapter 76, Kentucky Statutes, relating to public ditches and creeks.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That subsection 1, of section 2412a, article 8, chapter 76, Kentucky Statutes, Carroll's edition of 1903, be, and the same is hereby, amended by adding thereto the following: "Provided, that

the provisions of this act shall not apply to any stream that has been declared by the General Assembly of the Commonwealth of Kentucky to be a navigable stream, to the extent of the part thereof that has been so declared navigable, nor shall it apply to any stream emptying into a navigable stream up to the highest point thereon reached by back water from such navigable stream, provided the back water in the stream to be exempted from this act, reaches a point thereon five miles or more above its confluence;" so that sub-section when amended shall read as follows:

"That hereafter whenever a public ditch, constructed as provided in the act of July 10, 1893, for the drainage of wet lands, chapter 76, article 8, of the Kentucky Statutes, as amended by the act which became a law March 23, 1900, without the signature of the Governor, empties into a creek in the State of Kentucky, said creek, from the mouth of said ditch to the mouth of the creek, is hereby declared to be, to all intents and purposes, a public ditch, and subject to the law as set forth in said act and amended act: Provided, That the provisions of this act shall not apply to any stream that has been declared by the General Assembly of the Commonwealth of Kentucky to be a navigable stream, to the extent of the part thereof that has been so declared navigable, nor shall it apply to any stream emptying into a navigable stream up to the highest point thereon reached by back water from such navigable stream, provided the back water in the stream to be exempted from this act, reaches a point thereon five miles or more above its confluence."

§ 2. All acts or parts of acts in conflict with this act are hereby repealed.

Ordered, That said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
Albert Butler,
C. C. Chase,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
W. A. B. Davis,
W. F. Edmunds,
Robert Enlow,
S. L. Givan,
F. E. Graves,
R. L. Gwathmey,
C. W. G. Hannah,
John P. Haswell, Jr.,
R. Dillard Hunter,
F. M. Hutcheson, Jr.,
R. F. Hutchinson,
W. Harrison Isaacs,
W. J. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
A. T. Lee,
Jasper D. Lowder,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
Duncan Milliken,
Jesse F. Nichols,
C. C. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
Gus W. Richardson,
John T. Shanklin,
S. Albert Shanklin,
W. H. Shanks,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
J. W. Stump,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. S. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
J. Hal. Woodford,
—67

Resolved, That the title thereof be as aforesaid.

Mr. P. W. Berkshire moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 160. An act to provide for two districts detectives for, and

an annual expense fund of $500 for the Commonwealth's attorney of districts containing counties of this Commonwealth having a population of 150,000 or over.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all counties of this Commonwealth having a population of 150,000 or over, there are hereby created the offices of district detectives to the Commonwealth's attorney. Said district detectives shall be two in number and shall be appointed by the Commonwealth's attorney for a term of four years, but may be removed at any time by said Commonwealth's attorney.

§ 2. It shall be the duty of said District Detectives to assist the Commonwealth's attorney in the preparation of all criminal cases pending in the circuit court of said county, by investigating the evidence and facts connected with such cases, and they shall aid the Commonwealth's attorney in all matters pertaining to his office, and in such manner as he may from time to time designate.

§ 3. Said district detectives shall have the same powers of arrest and the same right to execute process as is now given by law to the sheriffs in this Commonwealth.

§ 4. The salary of each of said district detectieves shall be one thousand dollars per annum payable out of the county levy in equal monthly installments.

§ 5. That the necessary expenses incurred by the Commonwealth's attorney of districts including such counties, not to exceed $500 annually, shall be paid out of the county levy upon requisition for such expenses, of such Commonwealth's attorney, on the fiscal court of said county.

Ordered, That said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

That yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

Louis W. Arnett,	W. Harrison Isaacs,	Isaac G. Rice,
J. W. Berkshire,	T. C. Jackson,	Gus W. Richardson,
F. Pierce Blair,	W. H. Jones,	W. H. Shanks,
Frank J. Brown,	W. F. Klair,	Robert C. Simmons,
W. N. Brown, Jr.	A. T. Lee,	J. A. Sloan,
J. T. Buford,	E. W. Lillard,	Sawyer A. Smith,
C. C. Chase,	Jasper D. Lowder,	John S. Steers,
J. Will Clay,	J. B. Maynard,	W. H. Strange,
John T. Davis,	W. C. McChord,	Eugene W. Tandy,
Thurman B. Dixon,	Emanuel Meyer,	C. S. Templeman,
Wm. E. Dowling,	Duncan Milliken,	Wm. M. Thompson,
J. A. Duff,	Chris. Mueller,	Geo. C. Waggoner,
W. F. Edmunds,	Jesse F. Nichols,	John P. Wallace,
S. L. Givan,	A. C. Oliver,	Harry Weitkamp,
C. W. G. Hannah,	G. W. Parrott,	W. R. Whitlow,
R. Dillard Hunter,	G. L. Perryman,	W. C. Wynn,
F. M. Hutcheson, Jr.	J. F. Porter,	Geo. S. Wilson,
R. F. Hutchinson,	R. S. Rector,	J. Hal. Woodford,

—54

Those who voted in the negative were—

O. Houston Brooks,	Cleves G. Kinkead,	S. Albert Shanklin,
R. L. Gwathmey,	Wm. S. Markolf,	J. W. Stump,
W. J. Jackson,	G. T. Reynolds,	E. E. Wash—11
W. L. Kimbrough,	John T. Shanklin,	

Resolved, That the title thereof be as aforesaid.

Mr. Arnott moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 38. An act relating to bonds of public officials and other bonds required by law.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the bond required by law to be executed and given by any State, county, city, or other public official, and the bond required by law of any depository of State, county, city, or other public funds, and the bond of any executor, administrator, guardian, committee, assignee, or other fiduciary, and any other bond required by law for the discharge or performance of any public or fiducial office, trust or employment, shrall be a covenant to the Commonwealth of Kentucky, from the principal and surety, or sureties, that the principal will faithfully discharge the duties of the office, trust, or employment, and such bond shall be limited in a definite pena sum, which shall be determined and fixed by the officer or officers whose duty it is to approve the bond, and the recovery against the surety under any such bond shall be limited to the amount of the penalty named therein: Provided, That the bond of any executor, administrator, guardian, committee, assignee, or other fiduciary, shall be fixed in a penal sum of not less than double the estimated value of the estate.

§ 2. Where a statute or ordinance now fixes, or hereafter shall fix, the penalty in any bond, the officer whose duty it is to approve the bond shall fix the penalty therein, in the same amount as is provided in such statute or ordinance.

§ 3. All laws in conflict herewith are hereby appealed.

Mr. Simmons offered the following amendment:

Insert after the word "estate" in line 7 the following: And provided further, that the officer or officers taking any bond mentioned in this act may at any time when it may appear to be to the interest of the obligee or obligees, increase penal sum of such bond or require a renewal thereof with other or additional sureties.

Said amendment was agreed to.

Ordered, That said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

O. P. Applegate	W. Harrison Isaacs,	W. H. Shanks,
Louis W. Arnett,	J. H. Jackson,	John T. Shanklin,
Elliott B. Beard,	W. J. Jackson,	S. Albert Shanklin,
J. W. Berkshire,	T. C. Jackson,	Robert C. Simmons,
P. W. Berkshire,	W. F. Klair,	J. A. Sloan,
Frank J. Brown,	W. L. Kimbrough,	John L. Smith,
W. N. Brown, Jr.	Cleves G. Kinkead,	Sawyer A. Smith,
J. T. Buford,	A. T. Knox,	John S. Steers,
Albert Butler,	A. T. Lee,	R. E. Stewart,
C. C. Chase,	E. W. Lillard,	W. H. Strange,
J. Will Clay,	Hugh Mahin,	J. W. Stump,
Dr. C. F. Crecelius,	Wm. S. Markolf,	J. B. Swann
W. A. B. Davis,	J. B. Maynard,	Eugene W. Tandy,
Thurman B. Dixon,	Emanuel Meyer,	C. S. Templeman,
Wm. E. Dowling,	Duncan Milliken,	Wm. M. Thompson,

J. A. Duff,	G. W. Parrott,	Geo. C. Waggoner,
Robert Enlow,	W. V. Perry,	John P. Wallace,
Thos. E. Finley,	G. L. Perryman,	E. E. Wash,
S. L. Givan,	J. F. Porter,	Harry Weitkamp,
R. L. Gwathmey,	R. S. Rector,	W. R. Whitlow,
John P. Haswell, Jr.,	G. T. Reynolds,	W. C. Wynn,
R. Dillard Hunter,	Gus W. Richardson,	Geo. S. Wilson—67
F. M. Hutcheson, Jr.,		

Those who voted in the negative were—

W. A. Cope,	W. C. McChord,	John C. Pirtle—3

Resolved, That the title thereof be as aforesaid.

Mr. Arnett moved that the vote by which said bill passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 244. An act requiring medical inspection and examination of all teachers and pupils in the public and high schools of the second and third class cities.

Together with amendments heretofore proposed thereto by the Committee on Public Health.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all persons teaching or proposing to teach, and all pupils attending, or proposing to attend, any public or high school in cities of the second and third class shall be required to undergo a medical examination as hereinafter provided.

§ 2. All persons teaching, or proposing to teach, in a public or high school shall, semi-annually, between the 25th day of August and the 10th day of September, and between the 20th day of January and the 10th day of February, of each year, be examined as to the condition of their health, by a competent physician.

§ 3. All pupils attending, or proposing to attend, any public or high school, as mentioned in section 1, shall be examined by a competent physician as to the condition of their health and habits at the beginning of each term of any public or high school, and shall be examined oftener, if requested by their teacher, or the superintendent of the school, or by the Board of Education.

§ 4. If, upon examination, any teacher is found to have tuberculosis in any form, or has any chronic disease, she or he shall not be permitted to teach in any of said schools, nor shall the Board of Education employ any person, so affected, in any of the departments of any of its schools.

§ 5. If said pupils, upon examination and inspection, are found to be suffering from any contagious or infectious disease, or from any affection of the eyes, nose or throat, the said children shall be sent to their parents or guardian with written instructions from the teacher instructing them to have their family physician make an examination of them, and that they will not be permitted to attend the public or high school until such time as the medical inspector shall permit them. It shall also be the duty of each teacher to inspect and examine each pupil every morning when they come to school, as to their general condition, and if any pupil is found suffering with any contagious disease or any eruptive disease, or has fever, or is in any way sick, that the said child shall be sent, first to the superintendent, and by the superintendent be sent home with a written communication to its parents or guardian that it is not well, and therefore can not attend school until it has recovered—See family physicians..

§ 6. It shall be the duty of the physician to make the medical

inspection and examination required in this act, wherever the city has a city physician. But in the event the said city has not an employed or elected city physician, then it shall be the duty of the Board of Education to employ a competent physician and allow him reasonable compensation for his services. The city physician shall receive such compensation for his services as shall be allowed by the Board of Education.

§ 7. This act shall apply only to cities of the second and third class, as now classified by the statutes of Kentucky.

§ 8. An emergency now exists for the passage of this act, and said act, for that reason, shall be in force and effect from and after its passage.

The amendments proposed thereto by said committee are as follows, viz.:

On page 3, line 15, after "See family physicians," add the words "and inspector."

Also on page 3 strike out all words after the word "him" in line 5, section 6, and add these words: "Five dollars per day for his services, and city physician shall receive five dollars per day for his services, same to be paid out of funds set aside for use of the Board of Education for school purposes and he shall visit each public school at least once each school month in each year and more often when requested by the Superintendent of city schools."

Said amendments were agreed to.

Mr. Perry offered the following amendment:

Amend by inserting in section one, line 3, the words "and fourth class," and inserting in section 7, line 2, the words "and fourth class."

Said amendment was agreed to.

Mr. Sloan offered the following amendment:

Strike out the word "chronic" in line 2, section 4, and insert in

lieu thereof the word "contagious."

Said amendment was agreed to.

Mr. Simmons offered the following amendment:

Strike out the words "second and" in section 1 and in section 7.

Said amendment was agreed to.

Ordered, that said bill as amended be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,
O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
Frank J. Brown,
J. T. Buford,
C. C. Chase,
J. Will Clay,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Thurman B. Dixon,
Wm. E. Dowling,
W. F. Edmunds,
John Feland,
Thos. E. Finley,
F. E. Graves,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
J. H. Jackson,
W. F. Klair.
Cleves G. Kinkead.
E. W. Lillard,
Hugh Mahin,
Wm. S. Markolf,
W. C. McChord,
Duncan Milliken,
Chris. Mueller,
Jesse F. Nichols,
W. V. Perry,
J. F. Porter,
G. T. Reynolds,
Isaac G. Rice,
Gus W. Richardson,
W. H. Shanks,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
Eugene W. Tandy,
C. S. Templeman,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. C. Wynn,
Geo. S. Wilson—58

Those who voted in the negative were—

O. Houston Brooks,	W. H. Jones,	John C. Pirtle,
W. N. Brown, Jr.	W. L. Kimbrough,	R. S. Rector,
Albert Butler,	A. T. Knox,	John T. Shanklin,
W. A. Cope,	A. T. Lee,	S. Albert Shanklin,
J. A. Duff,	J. B. Maynard,	J. B. Swann,
S. L. Givan,	A. C. Oliver,	D. P. Taggart,
John P. Haswell, Jr.,	G. W. Parrott,	Wm. M. Thompson,
W. J. Jackson,	G. L. Perryman,	W. R. Whitlow—25
T. C. Jackson,		

Mr. Perry moved to amend the title of said bill as follows:

Strike out the words "Second and" and insert after the word "third" the words "and fourth."

Said amendment was agreed to.

Resolved that the title of said bill be as follows:

An act requiring medical inspection and examination of all teachers and pupils in the public and high schools of the third and fourth class cities.

The House took up for consideration from the Orders of the Day a bill entitled;

H. B. 220. An act permitting warehousemen to commingle tobacco of like grades.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any corporation, company, partnership or individual engaged in the business of warehousemen for the purpose of receiving, grading, handling, prizing and storing tobacco, shall, upon the receipt

of such tobacco, grade it into distinct and proper grades, and weigh same; and shall give warehouse receipt therefor to the owner or consignor thereof, setting forth each grade and the number of pounds thereof; and, after so doing, said corporation, company, partnership or individual, shall have the right to commingle all tobacco so received into like grades and types.

§ 2. All warehouse receipts so issued shall be consecutively numbered, shall have the name of the owner or consignor written therein, shall bear date upon the same date such tobacco is so received by such warehousemen, shall have written therein the character and amount of lien, or mortgage, if any, upon tobacco or received, and the name of the person holding said lien or mortgage; and such receipt shall be signed by the proper officer of the corporation, company, partnership or individual. If such receipt be lost or destroyed, it shall be the duty of the warehousemen to issue the owner another receipt, and mark across or upon the face thereof the word "duplicate."

§ 3. All warehouse receipts so issued by any corporation, company, partnership or individual engaged in the business as above set forth, shall be negotiable and transferable by endorsement in blank, or by special endorsement, and with like liability as bills of exchange now are, and with like remedy thereon.

§ 4. It shall be the duty of such warehousemen to have some person or persons competent to grade such tobacco into proper grades, and to weigh same in proper manner.

§ 5. Nothing herein shall be deemed to be in conflict with the laws of this Commonwealth, governing grain and tobacco warehousemen, where tobacco is received and stored for sale.

§ 6. This act, on account of the emergency that exists for the proper relief of the landing of the 1907 crop, shall be in effect from and after the date of its passage.

Ordered, That said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,
O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecilius,
W. A. B. Davis,
Thurman B. Dixon,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
F. E. Graves,
R. L. Gwathmey,
C. W. G. Hannah,
John P. Haswell, Jr.,
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
R. F. Hutchinson,
J. H. Jackson,
W. J. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
Duncan Milliken,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
Gus W. Richardson,
W. H. Shanks,
S. Albert Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford,

—79

Resolved, That the title thereof be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered and that said motion be liad on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution entitled;

H. Res. 11. Resolution authorizing the appointment of Commissioners to represent the State at the centenary of the birth of Abraham Lincoln February 12th, 1909, and appropriating money to pay their expenses.

(For Resolution see House Journal March 11th, 1908.)

Ordered, That said resolution be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said resolution at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution were as follows, viz:

Those who voted in the affirmative were—

O. P. Applegate,
Louis W. Arnett,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
H. K. Cole,
W. A. Cope,
F. E. Graves,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.,
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
R. F. Hutchinson,
J. H. Jackson,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
G. W. Parrott,
C. C. Patrick,
W. V. Perry,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
Gus W. Richardson,
W. H. Shanks,
John T. Shanklin,
S. Albert Shanklin,
J. A. Sloan,
Sawyer A. Smith,
John S. Steers,

Denver B. Cornett,	W. F. Klair,	R. E. Stewart,
Dr. C. F. Crecelius,	W. L. Kimbrough,	W. H. Strange,
John T. Davis,	Cleves G. Kinkead,	J. W. Stump,
W. A. B. Davis,	A. T. Knox,	D. P. Taggart,
Thurman B. Dixon,	A. T. Lee,	Eugene W. Tandy,
Wm. E. Dowling,	E. W. Lillard,	Geo. C. Waggoner,
J. A. Duff,	Wm. S. Markolf,	John P. Wallace,
W. F. Edmunds,	J. B. Maynard,	W. R. Whitlow,
Robert Enlow,	Emanuel Meyer,	W. C. Wynn,
Thos. E. Finley,	Duncan Milliken,	Geo. S. Wilson.—71
S. L. Givan,	Chris. Mueller,	

Those who voted in the affirmative were—

A. A. Allphin,	John L. Smith,	E. E. Wash—3

Resolved, That the title thereof be as aforesaid.

Mr. Haswell moved that the vote by which said bill was passed by reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 164. An act to amend section 2630 and 2635a of the Kentucky Statutes, edited by John D. Carroll, and the edition of 1903, relating to the sale of drugs.

Together with amendments heretofore proposed thereto by the Committee on Public Health.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2630 and 2635a of the Kentucky Statutes edited

by the Hon John D. Carroll, and the edition of 1903, be amended so that the same as amended shall read as follows:

§ 2630. "No person shall sell at retail any poisons, except as herein provided, without affixing to the bottle, box, vessel, or package containing same, a label printed or plainly written, containing the name of the article, the word "poison," and the name and place of the business of the seller, with the common name of two or more readily satisfying himself that such poison is to be used for legitimate purposes. A poison, in the meaning of this act, shall be any drug, chemical, or preparation which, according to standard works on medicine or materia medica, is liable to be destructive to adult human life in quantities of sixty grains or less. It shall be the further duty of any one selling or dispensing poisons which are known to be destructive to adult human life in quantities of five grains or less, before delivering them, to enter in a book kept for that purpose the name of the seller, the name and residence of the buyer, the name of the article, the quantity sold or disposed of, and the purpose of which it is said to be intended, which book of registry shall be for at least two years, and shall at all times be open to the inspection of the coroner of the county in which the same may be kept, and to the inspection of the members of the Kentucky Board of Pharmacy, or its authorized inspectors."

The following emmenagogues or abortives, tansy, pennyroyal, rue, savin, ergot, cotton root and their preparations, patent or otherwise shall be sold only at retail or dispensed only upon the original written prescription of a legally qualified physician, and said prescription shall be filled but once, and of which no copy shall be taken by any person. The provisions of this section shall not apply to the dispensing of poisons in not unusual quantities, or doses, on physician's prescription, not to the sale to agricultural or horticulturists of such articles as are commonly used by them as insecticides. Every person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall pay a fine of not less than ten ($10.00) dollars nor more than one hundred ($100.00) dollars."

§ 2635a. Alkaloid cocaine, or its salts, or alpha or beta eucaine, or their salts, or any admixture containing cocaine or eucaine, shall be sold at retail or dispensed only upon the written prescription of a legally qualified physician or dentist, or veterinary surgeon, and said prescription shall be filled but once, and of which no copy shall be taken by any person. Each prescription containing alkaloid cocaine, or its salts, or alpha or beta eucaine, or their salts, or any admixture containing cocaine, or eucaine, filled by a registered pharmacist, shall have written upon its face the quantity thereof, the name of the patient, the date it is filled, and the prescription file of each registered pharmacist shall be open to the inspection of the members of the Kentucky Board of Pharmacy, or its authorized inspectors, or the coroner of the county; and, alkaloid cocaine, or its salts, or alpha or beta eucaine or their salts, or any admixture containing cocaine or eucaine shall be sold at wholesale only to pharmacists, registered under this act and to legally qualified physicians and dentists, and veterinary surgeons. Every person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall pay a fine of not less than fifty ($50.00) dollars nor ore than two hundred and fifty ($250.00) dollars. Any physician or dentist, or veterinary surgeon who shall prescribe for or sell, or dispense to any person for any purpose other than legitimate use, or otherwise deal in alkaloid cocaine, or its salts, or alpha or beta eucaine, or their salts, or any admixture containing cocaine, or eucaine, than as herein provided, shall thereby render himself ameanable to the penalties hereinbefore in this section provided. Any registered pharmacist who violates any of the provisions of this section, or who by any subterfuge sells, or dispenses alkaloid cocaine or its salts, or alpha or beta eucaine or their salts, or any admixture containing cocaine or eucaine otherwise than as provided in this section shall in addition to paying the fine imposed, on second conviction, forfeit the certificate as a registered pharmacist, and his name shall be stricken from the register.

Said amendments are as follows:

Amend page two, line 17, by inserting after the words "shall be" the words "purpose" and "which" the word "for."

Amend page two, line 17, by inserting after the words "shall be" the word "preserved" and after the words "two years" the words "after the date of the last entry made therein."

Amend page 3, line 3, by inserting after the words "upon the" the word "original."

Said amendments were agreed to.

Ordered, That said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,
O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
Albert Butler,
C. C. Chase,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Wm. E. Dowling,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
W. Harrison Isaacs,
J. H. Jackson,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
Cleves G. Kinkead,
A. T. Lee,
Wm. S. Markolf,
J. B. Maynard,
Emanuel Meyer,
Duncan Milliken,
Jesse F. Nichols,
G. W. Parrott,
G. L. Perryman,
John C. Pirtle,
J. F. Porter,
Isaac G. Rice,
W. H. Shanks,
John T. Shanklin,
S. Albert Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
John S. Steers,
R. E. Stewart,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
E. E. Wash,
John P. Wallace,
W. C. Wynn,
Geo. S. Wilson,—52

Resolved, That the title thereof be as aforesaid.

Mr. Arnett moved that the vote by which said bill was passed be reconsidered and that said motion be laid on table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled;

H. B. 162. An act to amend an act entitled, An act to regulate the running of motor vechicles upon the public highways of this State, and fixing a penalty for violations thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the words "a greater rate than fifteen miles an hour," be stricken from lines six and seven of section one, of said act, and the words "greater than ten miles an hour" be inserted in lieu thereof; so that said section, when amended, shall read as follows: "That no person shall operate a motor vehicle on any public highway at a rate of speed greater than is reasonable and proper at the time and place, having regard to the traffic and use of the highway and its condition, or so as to endanger the life or limb of any person, or in any event, at a greater rate than ten miles an hour, subject, however, to the other provisions of this section."

§ 2. That sub-section 7, chapter 122, of said act, be amended by striking from said section the words "not less than ten dollars, nor more than one hundred dollars," in lines three and four of said section, and inserting in lieu thereof the words, "not less than fifty dollars nor more than five hundred dollars;" so that said section shall read as follows:

"Whosoever shall violate the provisions of this act shall be deem-

ed guilty of a misdemeanor, and upon conviction be fined not less than fifty dollars, nor more than five hundred dollars, and in addition thereto shall be liable in a civil action to any person injured in his person or damaged as to his property by the violation of the provisions of this act and a lien shall attach to the vehicle causing the injury for damages in favor of the person injured or damaged upon the filing of a suit for damages."

Ordered, That said bill be engrossed and read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz:

Those who voted in the affirmative were—

Louis W. Arnett,	John P. Haswell, Jr.	S. Albert Shanklin,
J. W. Berkshire,	W. W. Hopkins,	Robert C. Simmons,
P. W. Berkshire,	F. M. Hutcheson, Jr.	Sawyer A. Smith,
O. Houston Brooks,	J. H. Jackson,	John S. Steers,
Frank J. Brown,	W. J. Jackson,	R. E. Stewart,
J. T. Buford,	T. C. Jackson,	J. W. Stump,
Albert Butler,	W. H. Jones,	J. B. Swann,
C. C. Chase,	A. T. Lee,	C. S. Templeman,
Dr. C. F. Creceiius,	E. W. Lillard,	Wm. M. Thompson,
Wm. E. Dowling,	W. C. McChord,,	Geo. C. Waggoner,
J. A. Duff,	Jesse F. Nichols,	John P. Wallace,
Robert Enlow,	A. C. Oliver,	E. E. Wash,
S. L. Givan,	W. V. Perry,	W. R. Whitlow,
F. E. Graves,	J. F. Porter,	W. C. Wynn,
R. L. Gwathmey,	G. T. Reynolds,	Geo. S. Wilson,—46
C. W. G. Hannah,		

Those who voted in the negative were—

Elliott B. Beard,	S. L. Givan,	J. B. Maynard,

F. Pierce Blair, Cleves G. Kinkead, G. L. Perryman,
W. A. B. Davis, Wm. S. Markolf, D. P. Taggart,—12
W. F. Klair, G. W. Parrott,

Resolved, That the title thereof be as aforesaid.

The hour of two o'clock having arrived, the House stood adjourned until 10 o'clock tomorrow morning.

SATURDAY, MARCH 14, 1908.

The Chief Clerk produced and read the following communication:

James E. Stone, Chief Clerk of the House:

Dear Sir—I hereby designate Hon. George S. Wilson, of Union county, as Speaker pro tem, for the day and until some one else is designated in his stead.

W. J. GOOCH, Speaker.

The House was opened with prayer by Rev. George C. Waggoner, the member of the House from Henry county.

The reading of the journal of yesterday's proceedings was dispensed with.

A message was received from the Senate that they had passed bills which originated in the House of Representatives of the following titles:

H. B. 120. An act to amend section 1308 of the Kentucky Statutes.

H. B. 291. An act to amend an act for the government of cities of the first class, approved July 21, 1893, and providing for the creation, control and disposition of a fund to be used in pensioning common school teachers in cities of the first class.

H. B. 145. An act to promote and regulate the tobacco industry in Kentucky.

With an amendment to said bill by way of substitute therefor.

H. B. 11. An act to provide necessary clerical service for the Library of the Commonwealth.

With an amendment to said bill.

That they had passed bills of the following titles:

S. B. 161. An act to amend section 3637, Carroll's 1903 Kentucky Statutes, and thereby increase the power of the city council of cities of the fifth class.

S. B. 162. An act to amend section 3704, Carroll's 1903 Kentucky Statutes, and thereby increase the powers of the Board of Trustees of cities of the sixth class.

S. B. 187. An act to regulate telegraph, telephone and express companies doing business in this State.

S. B. 189. An act to enable cities of the second class to build and contsruct a system of streets and to issue bonds for the payment of the cost thereof.

S. B. 204. An act to provide for the teaching of literature in the common schools of the Commonwealth of Kentucky.

S. B. 285. An act to amend and re-enact as amended an act to amend the first paragraph of sub-section 1 of section 3704 of the Kentucky Statutes entitled, An act for the government of towns of the sixth class and to re-enact the same as amended; approved March 5, 1904.

Ordered, That said bills be printed and referred as follows:

1, 2 and 6. To the Committee on Cities of the Fourth, Fifth and Sixth Classes.

3. To the Committee on Judiciary.

4. To the Committee on Municipalities.

5. To the Committee on Education No. 2.

The House took up for consideration from the calendar bills and resolutions of the following titles:

S. B. 4. An act to repeal chapter 105 of the Kentucky Statutes, title Public Printing, Binding and Stationery, and to re-enact in lieu thereof sections 3953 to 3995, both inclusive.

S. B. 10. An act to provide for the location, erection, organization and management of a State sanatorium for the care and treatment of tuberculosis, and making an appropriation for the purchase of the necessary lands and the construction and equipment of necessary buildings, and making an appropriation for the maintenance of the sanatorium.

S. B. 44. An act to provide for the appointment of two additional inspectors of coal mines and to provide for the examination of applicants for certificates of qualification to serve as foremen of coal mines and require that persons possessing such certificates of qualification, or possessing service certificates, shall be employed as such foremen, and to require the employment of special shot-firers in coal mines wherein explosive gases or coal dust generate or exist in dangerous quantities, and to otherwise provide for greater protection to the lives and health of persons employed in the coal mines of this State.

S. B. 92. An act to amend and re-enact certain sections of the Kentucky Statutes, chapter 89, article 5, relating to cities of the fourth class.

S. B. 112. An act to amend and re-enact an act to prevent adulterations

S. B. 139. An act to fix certain duties of the Superintendent of Public Instruction, and to make provision for the payment of his, traveling expenses.

S. B. 149. An act to amend an act entitled, An act to regulate the sale of intoxicating liquors by wholesale in this Commonwealth, which was approved March 22, 1904, and amended by an act approved March 21, 1906.

S. B. 152. An act for additional improvements at the Kentucky Normal and Industrial Institute for Colored Persons.

S. B. 168. An act amending the law governing the Kentucky Confederate Home.

S. B. 172. An act to prevent abuse in the handling and requiring the proper cleaning of dairymen's shipping cans.

S. B. 191. An act to amend an act for the erection, maintenance and protection of public levees.

S. B. 207. An act to further regulate assessment fire insurance companies.

S. B. 213. An act to amend an act entitled, An act in relation to the control, management and operation of water works in cities of the first class, approved March 6, 1906.

S. B. 249. An act to establish and maintain public libraries.

S. Res. 4. Resolution for the benefit of H. D. Arnold.

S. Res. 7. Resolution for the benefit of the widow of the late Hon. G. W. Hickman.

S. Res. 6. Resolution for the benefit of the Custodian of Public Buildings.

S. Res. 8. Resolution for the benefit of B. F. Beard & Co. and Hardin & Payne.

Ordered, That said bills and resolution be severally read the second time.

The constitutional provision as to the second reading of said bills and resolutions at length being dispensed with, said bills and resolutions were severally read the second time by their titles.

Ordered, That said bills and resolutions be placed in the orders of the day.

A message was received from the Governor announcing that he had approved and signed enrolled bills which originated in the House of Representatives of the following titles:

H. B. 101. An act amending section 3 of an act of the General Assembly of the Commonwealth of Kentucky, approved March 21, 1906, entitled, An act permitting persons to combine or pool their crops of wheat, tobacco and other products and sell same as a whole, and making contracts in pursuance thereof valid, being chapter 117 of the acts of the General Assembly of the Commonwealth of Kentucky for the year 1906.

H. B. 157. An act for preventing the manufacture and sale of adulterated or misbranded foods, drugs, medicines and liquors.

The committees to which the same had been referred reported bills of the following titles:

By Mr. Anderson, of the Committee on State Fair:

S. B. 41. An act declaring it unlawful and providing penalties for any person to provide, open, control, manage or keep any room, building, float, vessel or premises in this Commonwealth wherein any persons may assemble and congregate to bet and wager money upon horse races and other contests run and decided in this State or any

other State or country or to aid or abet another in so doing, or to assemble or bet or wager therein.

By Mr. John L. Smith, of the Committee on State Prisons and Houses of Reform:

S. B. 74. An act to amend an act entitled, An act for the benefit of the penitentiaries at Frankfort and Eddyville and appropriating money for the erection of necesary buildings and improvements at said penitentiaries.

By Mr. Graves, of the Committee on County and City Courts:

S. B. 154. An act providing for stenographic reports of trials in examining courts.

By Mr. Mahin, of the Committee on Agriculture:

S. B. 166. An act to establish a sub-Experiment Station in Eastern Kentucky and a like station in Western Kentucky.

By same:

S. B. 197. An act to amend an act entitled, An act creating a State Board of Agriculture, Forestry and Immigration, specifying its duties thereof, and appropriating money therefor.

By Mr. Klair, of the Committee on Municipalities:

S. B. 230. An act to appropriate $5,000 to assist the Kentucky State Development Association to develop the State of Kentucky.

By Mr. Arnett, of the Committee on Circuit Courts.

S. B. 253. An act to amend an act amending section 965 of the Kentucky Statutes relating to the time of holding Circuit Courts in the Eighth Judicial District, which amendment was approved March 17, 1896.

By Mr. Dowling, of the Committee on Kentucky Statutes:

S. B. 267. An act to amend an act entitled, An act to continue

in force drainage systems established and operated by drainage corporations heretofore in any of the counties of Kentucky, this act to be section 2417a of the Kentucky Statutes, and being chapter 151 of the acts of 1906.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

The House took up for consideration from the clerk's desk a bill entitled:

H. B. 145. An act to promote and regulate the tobacco industry in Kentucky.

Together with the substitute amendment proposed therefor by the Senate.

(For bill see House Journal March 3d, 1908.)

The substitute as proposed thereto by the Senate is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§1. That it shall be unlawful for any corporation, foreign or domestic, or any partnership, company, firm, individual, or association of persons, whether residents of this State or any other State or country, to create, establish, organize, or enter into, or become a member of or a party to, or in any way interested in any pool, trust, combine, agreement, confederation or understanding, with each other, or with any other corporation, partnership, company, firm, individual, or association of persons, for the purpose of enhancing the cost or price of any article of trade, commerce or merchandise above its real value, or to depreciate below its real value the cost or price of any article of trade, commerce or merchandise, or that will have the effect of enhancing the cost or price of any article of trade, commerce or merchandise above its real value, or depreciate the cost or price of any

articles of trade, commerce or merchandise below its real value; or to enter into, directly or indirectly, or become a member of or party to, or in any manner or way interested in, any pool, trust, combine, agreement, contract, understanding, confederation, or agreement, the purpose of which, or the effect of which, is or will be to enhance the cost or price of any article of trade, commerce or merchandise above its real value, or to depreciate the cost or price below its real value any article of trade, commerce and merchandise.

§ 2. Any corporation, partnership, company, firm, individual, or association of persons, that shall violate the first section of this act, may, if convicted under an indictment, be fined in any sum not less than five hundred, nor more than one hundred thousand dollars.

§3. In addition to the fine that may be imposed by the second section of this act, the directors, managers, and other officers, and general agents of any corporation, or any one or more of them, or any individual or member of any firm, partnership, company, firm, or other association of persons, and the manager and general agents for such individual, firm partnership, company or association of persons, that violates the provisions of section one of this act, may be indicted therefor, and upon conviction be imprisoned in the county jail not less than six months nor more than twelve months.

§ 4. Prosecutions for a violation of this act may be had in the circuit court of any county in which any article of trade, commerce or merchandise is purchased, manufactured or sold, or offered for sale, in violation of the provisions of this act. Each violation of this act shall constitute a separate offense and there may be a prosecution and conviction therefor.

§ 5. Any contract, or agreement, or understanding, in violation of the provisions of this act, shall be null and void; and any purchaser of any article of trade, commerce or merchandise from any corporation, firm, company or partnership individual, or other association of persons transacting business in violation of the provisions of this

act shall not be liable for any part of the price agreed or contracted to be paid for any article of trade, commerce or merchandise purchased or agreed to be purchased; and may plead and rely on the provisions of this act as a complete defense to any suit brought to recover the price or any part thereof.

Whereas, Section 198 of the constitution charges the General Assembly with the duty of enacting a law like this when the necessities of the situation require its enactment,—and as no law has heretofore been enacted under this section,—and there now exists an urgent necessity for the enactment of such a law, an emergency is declared and this act shall take effect and become a law when approved by the Governor.

The question being taken on concurring in said Senate amendment it was decided in the negative.

The yeas and nays being required thereon by Messrs. McChord and Milliken were as follows, viz.:

Those who voted in the affirmative were—

W. A. B. Davis,	C. W. G. Hannah,	Garfield Moore,
J. A. Duff,	Cleves G. Kinkead,	Wm. S. Markolf,
S. L. Givan,	Jasper D. Lowder,	John P. Wallace —9

Those who voted in the negative were—

A. A. Allphin,	W. W. Hopkins,	J. F. Porter,
Robert H. Anderson,	R. Dillard Hunter,	R. S. Rector,
O. P. Applegate,	F. M. Hutcheson, Jr.	G. T. Reynolds,
Louis W. Arnett,	R. F. Hutchinson,	Isaac G. Rice,
Elliott B. Beard,	W. Harrison Isaacs,	Gus W. Richardson,
J. W. Berkshire,	J. H. Jackson,	H. A. Schoberth,
P. W. Berkshire,	W. J. Jackson,	W. H. Shanks,
O. Houston Brooks,	W. H. Jones,	S. Albert Shanklin,
Frank J. Brown,	W. F. Klair,	Robert C. Simmons,

W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
J. Will Clay.
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecilius,
Thurman B. Dixon,
Wm. E. Dowling,
Robert Enlow,
Thos. E. Finley,
F. E. Graves,
R. L. Gwathmey,
Robert L. Harris,
John P. Haswell, Jr.
W. L. Kimbrough,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
J. B. Maynard,
W. C. McChord,
H. L. Myers,
Duncan Milliken,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
J. A. Sloan,
John L. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson,—73

Mr. McChord moved that a committee be appointed to report said bill and substitute and the action of the House thereon to the Senate.

Said motion was agreed to.

There upon the Speaker appointed Messrs. McChord, C. C. Patrick and Perry as said committee.

Said committee retired and after a time reported that they had discharged that duty.

After a time a message was received from the Senate announcing that they adhered to the substitute amendment heretofore proposed by the Senate to a bill which originated in the House entitled:

H. B. 145. An act to promote and regulate the tobacco industry in Kentucky.

Mr. McChord moved that the Speaker appoint three members of the House to act as conferees on the part of the House and to ask the appointment by the Senate of a like number of conferees to act on the part of the Senate to take into consideration and adjust the

matters of disagreement between the two Houses with reference to the above named bill.

Said motion was agreed to.

The Speaker thereupon appointed Messrs. McChord, C. C. Patrick and Perry as conferees on the part of the House.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 76. An act to amend an act entitled, An act to create a State School Book Commission and a County School Book Commission to procure for the use of the public schools of this Commonwealth a uniform series of text books and to define the duties and powers of said commission, to fix the maximum prices of said text books, to make preparations for carrying this act into effect, and providing penalties for a violation of the same, being chapter 3 of the acts of 1904.

Together with an amendment proposed thereto by the Committee on Education No. 2.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§1. That the words, "to fix the maximum prices of said text books" be stricken from the title of said act so that said title when amended shall read as follows:

"An act to create a State School Book Commission, and a County School Book Commission and to procure for use in the public schools of this Commonwealth a uniform series of text books and to define the duties and powers of the said commission, to make preparations for carrying this act into effect, and providing penalties for the violation of same."

Strike from section 2 of said act the words "Provided, That no bid or proposal shall be considered by said State School Book Commission or contract made for the aforesaid books to be sold at retail at a price greater than the following: For Spelling Book, twelve cents; for Primer, ten cents; for First Reader, twelve cents; for Second Reader, twenty cents; for Third Reader, twenty-five cents; for Fourth Reader, thirty-five cents; for Fifth Reader, forty-five cents; for Primary Arithmetic, twenty cents; for Mental Arithmetic, twenty-five cents; for Intermediate Arithmetic, twenty-five cents; for Practical Arithmetic, forty cents; for Elementary Geography, forty cents; for Complete Geography, eighty cents; for Elementary English Grammar, twenty-five cents; for Complete English Grammar, forty cents; for Physiology and Hygiene, Complete, sixty cents; for Physiology and Hygiene Intermediate, 30 cents; for Primary History of the United States, forty cents; for Complete History of the United States, seventy cents; for History of Kentucky, sixty-five cents; English Composition, Complete, sixty-five cents; for English Composition, elementary, or Language Lessons, part three, twenty-five cents; for Language Lessons, part two, seventeen cents; Language Lessons, part one, twelve cents; for Civil Government, forty-five cents; for Writing Books, five cents each."

So that said section as amended shall be as follows:

§ 2. The State School Book Commission shall meet within thirty days after this act shall take effect at a time which the Governor shall designate in writing to the several members of said commission, and shall advertise in such manner and form as they may deem best, that at a time to be fixed by said commission stated in said advertisement not later than August 1st, 1904, said commission will receive at the office of the Superintendent of Public Instruction in the City of Frankfort, sealed bids or proposals from the publishers of school books, for furnishing text books on the branches required to be taught in the Common Schools of the Commonwealth, namely: Spelling, Reading, Writing, Arithmetic, English Grammar, including Language

Lessons, English Composition, Geography, Physiology and Hygiene, Civil Government, United States History and History of Kentucky: Provided, that no bid or proposal shall be considered by said State School Book Commission or contract made for books when the net contract prices are greater than the following, for the series of books required to complete the course in the subjects taught in the common schools of this Commonwealth: For Spelling, sixteen cents; for Reading, one dollar and ninety cents; for Writing, thirty-two cents; for Arithmetic, one dollar; for Language, forty cents; for Grammar, forty-five cents; for Composition, sixty cents; for Geography, one dollar and forty-five cents; for Physiology, eighty-five cents; for United States History, one dollar and twenty cents; for History of Kentucky, sixty cents; for Civil Government, forty-five cents. And provided further, that no dealer or agent selling school books contracted for by the State School Book Commission shall charge a greater profit than ten per centum on the net cost of said books. Said bids or proposals shall be for furnishing such books or any of them for a period of five years and no longer; shall state specifically and clearly the net contract prices at which such book or books will be furnished to the Commonwealth of Kentucky or to any Board of Education, city or county, or to their lawful agents, and said net contract price shall be as low as the net contract price at which said book or books are sold by said publishers under like conditions under contract to any State. County, City or School District anywhere in the United States. Said bids or proposals shall further set out clearly and specifically an exchange price at which said book or books shall be furnished to the pupils and patrons who may have old books in actual use in school, of like subject and same grade, and exchange for said new book or books, and said exchange price shall not in any event be more than fifty per centum of the retail price of said new book or books fixed as herein provided. Provided, that after each and every adoption under this act the exchange price as herein provided shall apply. Each bid or proposal shall be accompanied by a sufficient number of specimen copies of all books offered for adoption to supply the State School

Book Commission and each County School Book Commissioner with copies of each book, and a copy of each of said sample or specimen books, and said exchange price shall not in any event be more than Instruction by the State Superintendent of Public Instruction at the same time he transmits the list of prices, blanks, etc., hereinafter set out.

When said bids or sample copies shall have been received by said Commission they shall require each bidder to deposit with the State Treasurer such sum of money which said Commission may designate in writing to each bidder separately; such deposit to be not less than five hundred dollars, nor more than twenty-five hundred dollars, according to the number of books each bidder may propose to supply. Such deposit of any bidder shall be forfeited absolutely to the school fund of the State if said bidder shall fail or refuse to make and execute such contract or bond as is hereinafter required in case of the acceptance of such bid on any or all of the books so offered. The deposit herein required shall be made by said bidders within ten days after receipt of said notice fro the Commission and the State Treasurer shall upon receipt of such deposit report the same to the Secretary of said Commission.

Provided, That no bid or bids from any individuals, corporation, partnership, association or joint stock company, the members of which reside in another State, shall be received or considered by said Commission, unless accompanied by a statement naming an agent or agents residing in this State upon whom process may be served in any action upon such bond, and they shall in case of a change of such agent or agents,file at once in the office of the Secretary of State, a statement showing name and residence of the new agent or agents; a failure to file such a statement shall be a breach of said bond.

Strike from section five of said act the words, "It shall be required of all contractors to print plainly on the back of each book the retail price and the exchange price at which said book is to be furnished as provided herein," and insert instead of the words so stricken the

following words: "All books shall be sold to the consumer at the retail contract price, and in or on each book upon a bank leaf or other leaf a part of said book or on the back of the book, shall be printed the following words in plain and legible type: "To the public: The prices printed herein are fixed by State contract, and any higher prices are unlawful; any deviation therefrom shall be reported to your County Superintendent or the State School Book Commission at Frankfort." So that said section as amended shall read as follows, to-wit:

§ 5. When such adoption shall have been determined and made, the State School Book Commission shall by registered letter, notify the publishers to whom contracts have been awarded, and it shall be the duty of the Attorney General to prepare such contract or contracts in accordance with the terms and provisions of this act, and said contract or contracts shall be executed and signed by the Governor and attested by the Secretary of State with the seal of the State attached upon the part of the Commonwealth, and signed by the publisher or publishers in his or their proper capacities or on the part of the contractor or contractors.

Each contract shall be for a term of five years from date and shall be executed in duplicate, one copy to be kept by the contractor and one copy by the State School Book Commission, and spread in full upon the minute book of said Commission.

Said contract shall specifically provide that any book or books included therein shall be equal in all respects during the period of said contract to the specimen copies furnished with the bid, and it shall be the duty of the Secretary of said State School Book Commission, to preserve in his office under seal as the standard of quality and excellence to be maintained in such books the specimen copies of all the books which have been at the basis of any contract together with the original bid or proposal.

The County School Book Commission should, in making their

adoption, take into consideration the subject matter, quality, material, binding, size, mechanical execution, general appearance, price and fitness of each text book so submitted to them and should accept the best bid, and in no case permit the general standard of text books now existing in this State to be lowered. All books shall be sold to the consumer at the retail contract price, and in or on each book upon a blank leaf or other leaf a part of said book, or upon the back of the book, shall be printed the following words, in plain and legible type: "To the public: The prices printed herein are fixed by State contract, and any higher prices are unlawful; and any deviation therefrom should be reported to your County Superintendent or to the State School Book Commission at Frankfort." And it shall be stipulated in each contract that the contractor is not now furnishing such book or books at a lower price in any State, county, school district or city where like conditions prevail as those provided in this act, and that in case said contractor shall hereafter during the time of said contract furnish to any State, county, school district or city such book or books at a lower price than the net price named in the contract with this Commonwealth, such lower price shall become the price of such book or books under contract entered into with said State School Book Commission, and said State School Book Commission is hereby authorized and directed at any time they may find that any book or books are being sold at a lower price elsewhere than in this State to sue upon the bond of said contractor and recover the difference between the net contract price and the said lower price at which they find that said book or books are being sold as hereinafter provided. It shall be a part of the terms and conditions of any contract made in pursuance of this act that the Commonwealth of Kentucky shall not be liable to any contractor in any manner for any sum whatever. But all of said contractors shall receive their pay or consideration in compensation solely and exclusively derived from the proceeds from the sale of books as provided for in this act. Said contract shall provide that the exchange price of each and every book so contracted for shall extend for one entire school

year after the expiration of any school book contracts, if any now existing in any county in this State, such county school contract to remain in effect until the expiration of the time for which they were made, but immediately thereafter during the ensuing school year the State uniform series of books shall be substituted for those previously in use in such counties and exchanges made as herein provided. The said contractor shall also be required to take from the pupils all old books in use by them at the time this contract shall go into effect in any such county, allowing therefor such value and exchange for new book as is provided in the contract with said contractor and as provided for herein.

And said contractor shall pay all transportation charges on all old books so exchanged and in the new books exchanged for them, and shall allow to the dealer who makes such exchange ten per centum of the cash profits of such exchange.

§ 2. Be it further enacted that said act be and the same is further amended by adding thereto the following:

§ 17. The provisions of the act hereby amended shall not apply to the public schools taught in any of the cities of the first, second, third, fourth and fifth classes, or to such other cities and towns as may sustain a course of study of standard grade approved by the State Board of Education. And the same are hereby declared to be exempt therefrom, but the Boards of Education or School Trustees of said schools may at their option adopt for use in such schools other and different books than those adopted under provisions of the act hereby amended for use in the public schools in the State; which adoption by such Boards of Eduaction or school trustees of books to be used in such city school shall be in the manner and form as set forth herein.

§ 18. Any corporation, joint stock company, firm, or individual desiring to secure the adoption by contract of any book for use in the Public Schools in any city of the first, second, third or fourth classes

or such other cities and towns as may sustain a course of study of standard grade approved by the State Board of Education, shall file a sworn written statement with the Secretary of the State School Book Commission signed and sworn to by the chief officer or person vested with authority by law to contract for on behalf of such corporation, joint stock company, firm or individual which statement shall in plain and apt language set forth:

First. The correct name and address of the said corporation, joint stock company, firm or individual, and if incorporated, under the laws of what State?

Second. A complete list of said books offered for adoption and the net contract price at which said book or books shall be furnished to city boards of education or to their agents, or dealers.

Third. That the prices as stated are not greater than the prices charged for the same book, where like conditions prevail, under the terms of any contract between such proposer making the statement and any State, County, or City Board of Education at any place in the United States.

Fourth. That the proposer has not entered into any agreement, expressed or implied directly or indirectly seeking to limit competition in the sale or adoption of any school books to be taught in any of the public schools of this Commonwealth. Whereupon the Secretary of the State School Book Commission shall file in his office and preserve the said sworn statement as a public record.

§ 19. After such sworn statements as provided in section 18 shall have been filed as above set out, the said comporation, joint stock company, firm or individual shall appoint an agent or agents who shall be residents of this Commonwealth by filing a statement in the office of the Secretary of State, if same has not already been done, as provided by law in the case of non-resident corporations doing business in Kentucky; and such agent or agents shall be the person or persons upon whom process shall be served in the event of any

suit against his principal; and shall at all times keep and maintain such agents or agents in this State.

Said corporation, joint stock company, partnership or individual shall likewise file with the Secretary of the State School Book Commission at least one copy of each of the books sought to be adopted which shall be carefully preserved by the said Secretary under seal.

§ 20. The Secretary of the State School Book Commission shall issue upon application to any such person, firm, corporation or company, which has complied with the foregoing conditions, a certificate to that effect. Whereupon the several Boards of Education or trustees of the several cities or towns as provided herein shall at their option have a right to adopt for use in the public schools of such cities or towns any of the books so listed with the Secretary of the State School Book Commission.

No adoption shall be made by such Boards of Education or school trustees for any of the said cities or towns for less or greater time than five years.

The adoption of books shall be made by open vote at a regular meeting or some adjourned meeting of the said Board of Education or trustees, and a record of the vote of such members present and voting shall be preserved by the Secretary. In making the selection of books due regard shall be paid to the subject matter, binding, mechanical excellency and price. When a complete list of books has been selected it shall be the duty of the said Board of Education or trustees to enter into a written contract with the corporation, joint stock company, firm or individual offering such book or books, which shall provide:

First. That the book or books sold under the contract shall at all times be equal to the sample filed with the said State School Book Commission.

Second. That said contracting parties shall at any time during

the exchange period, as provided herein, exchange a new book for an old book of like subject or grade, where the old book is one which is adopted as one to be used in any of the public schools of this Commonwealth, and the pupil having such old book shall have moved into such city and been enrolled as a student in the school and been obliged thereby to secure different book or books. Provided, that such old book shall be received in exchange at fifty percentum of the published wholesale price of the new book, and that the same general terms of exchange as are set forth in the law covering the adoption of text books for this Commonwealth shall apply to the cities.

The city Boards of Education or trustees shall appoint at least one agent who will sell to the patrons or pupils the books so contracted for use in the public schools; but no agent or dealer selling books for such city board shall charge a greater profit than ten per cent. on the net cost of books sold under the provisions of this act.

The said Boards of Education or trustees may require any such corporation, company, firm or individual who shall be contracted with, if not properly protected by contract, a bond in the sum of not less than five hundred dollars nor more than five thousand dollars, conditioned that in the event of a breach of said contract by said corporation, company, firm or individual, said company will be required to pay by way of liquidated damages to the said Board of Education the full amount of the bond and may require good and sufficient security on such bond. Any amount so recovered shall be forthwith converted into the school fund of the city. The right of action upon said bond shall be voted in such board of trustees.

§ 21. When such adoption shall have been made, contract made and bond executed, if required as above provided, the book so adopted shall be the only books used in the grades of the several schools of the cities so making said adoption for the period of five years thereafter.

Provided, that supplementary books, books of reference, charts, etc., may be used in addition thereto and provided further that the provisions of this act shall not apply to books used in high schools.

§ 3. Nothing in this act shall be construed to mean that the books adopted for use by the said State School Book Commission and the County School Book Commission may not be continued in use in the schools of said cities and towns. The purpose of this act is to give the schools of such cities and towns the right within the limitations herein prescribed to adopt and use different books.

§ 4. The right hereby granted to the cities as aforesaid mentioned shall not interfere with the use in said cities of the books now being used in the schools under the present adoption as provided by law, but may be exercised by said Boards of Education or trustees for said cities, at any time within one year after the present period of adoption shall have expired.

§ 5. All acts or parts of acts inconsistent with this act are hereby repealed.

The amendment as proposed thereto by the committee is as follows:

Amend section 2 by striking out the following words beginning in line twelve after the word Kentucky: "Provided, that no bid or proposal shall be considered by said State School Book Commission or contract made for books when the net contract prices are greater than the following, for the series of books required to complete the course in the subjects taught in the common schools of this Commonwealth: For Spelling, sixteen cents; for Reading, one dollar and ninety cents; for Writing, thirty-two cents; for Arithmetic, one dollar; for Language, forty cents; for Grammar, forty-five cents; for Composition, sixty cents; for Geography, one dollar and forty-five cents; for Physiology, eighty-five cents; for United States History, one dollar and twenty cents; for History of Kentucky, sixty cents; for Civil Government, forty-five cents. And provided further, that no dealer or agent selling school books contracted for by the

State School Book Commission, shall charge a greater profit than ten per centum on the net cost of said books."

Said amendment was disagreed to.

Mr. Klair offered the following amendment to said bill:

Amend by striking out section 2 (page 8 of printed bill) and inserting in lieu thereof the following, said insertion to become additional sections to the acts of 1904:

§ 17. Any city of the first, second, third or fourth class may be exempted, wholly or in part, from using the text books adopted for uniform use in the common schools of this Commonwealth, when the Superintendent of Schools of such city shall so recommend in writing to the School Board or Board of Education, stating fully and specifically wherein and to what extent he advises that such city shall not use said uniform State series, and if the school board or Board of Education of such city shall, at a regular meeting, by a three-fourths vote of all members, approve such recommendation. The aforesaid recommendation of the Superintendent, together with the vote of said Board thereon, shall be spread in full upon the minutes of the meeting at which such action is taken, and a certified copy of said minutes shall, within ten days thereafter, be forwarded to Superintendent of Public Instruction at Frankfort; whereupon said Superintendent of Public Instruction shall send to the clerk of such school board or Board of Education a list of all qualified publishers of school text books who have complied with the requirments of this act, as thereafter as the charter of such city permits a change of books to be eligible for adoption for use in such city. Within three months after receipt of the list of qualified publishers, as aforesaid, or as soon thereafter as the charter of such city permit a change of books to be made, such school board or Board of Education may, at a regular or adjourned meeting, by a vote of a majority of all the members of such board, adopt from the publications of such qualified publishers such books as may be deemed suitable for use in the public schools

of said city, or, in lieu of such adoption on any subject, the corresponding book of the State uniform series shall be used in the schools of such city throughout the period of said State adoption. Provided, that no book shall be adopted or used unless the same shall be sold by the publishers thereof to boards and to dealers appointed by school boards or boards of education, at a net contract price not higher than is provided for in section 18 of this act. When such adoption shall have been made the school board or board of education of such city shall enter into a contract with the publisher or publishers of such book or books so adopted for a term of not less than four years, nor longer than the expiration of the then existing State contract. Such contract shall provide for a net contract price of each book so adopted at which same shall be sold to such board and to dealers appointed by such board, not higher than the net contract price thereof filed with the Superintendent of Public Instruction. Such contract shall also provide for an exchange price not exceeding fifty per cent. of the published list price of such new book, at which exchange price any pupil in such city may obtain such new book upon surrendering and turning in to the dealer an old book of same grade and subject therefor used by such pupil in the schools of said city or in other schools of this Commonwealth. The time during exchange of books for the State series throughout this Commonwealth, and any books of State series then in use by pupils, either in said city or elsewhere, shall be taken in exchange in such city by official dealer and by the publishers of such new books so adopted and contracted for, upon the terms herein provided. The school board or board of education of such city, upon making such adoption of books shall arrange with and appoint one or more official dealers, and enter into contract with him or them to so exchange new books for old books, and to retail new books so adopted for use in the schools of such city at a price not more than ten per cent, above the net contract price herein provided for. Provided, that any books of the State uniform series that may be used in such city shall at all times be sold to pupils at the State contract price printed on the back thereof,

and subject to the same conditions, requirements and penalties for violation and extortion as are now provided by law governing the sale and use of said State series.

Section 18. Any publisher or publishers of school books in the United States desiring to offer school books for adoption and for use in cities of this Commonwealth as hereinbefore provided, shall, before such books as may be lawfully adopted, purchased by any school board or board of education in this State, file in the office of the Superintendent of Public Instruction, a copy of each book proposed to be offered, together with the published wholesale list price thereof, and the lowest net contract price at which such book or books are sold to cities or dealers elsewhere in the United States under like conditions, and no revised edition of any such book shall be used in such cities until a copy of such revised edition shall have been filed in the office of the said Superintendent of Public Instruction, together with the said prices thereof. The said Superintendent of Public Instruction shall carefully preserve in his office all such copies of books and the prices thereof so filed. And it shall not be lawful for any School Board or Board of Education to adopt or cause to be used in the schools of such city any book whose publisher shall not have complied, as to said book, with the provisions of this act, nor such books at a higher net contract price than herein provided.

Whenever the Superintendent of Public Instruction shall receive from any school board or board of education of a city of the first, second, third or fourth class a certified copy of the minutes of such board showing that such city, as hereinbefore provided, desires to be exempt from using the State uniform series of text books, or any of them, he shall send to the clerk of such board a list of all publishers who have qualified by complying with the provisions of this section as to filing sample books and prices as required herein; and no book shall be adopted for such city except from the list of publishers so qualified.

§ 19. Immediately after any such adoption by any such city, the

Superintendent of Public Instruction shall be notified by the clerk of the school board or board of education making such adoption, and such notice shall state what book or books were so adopted, by whom such books are published, the net contract prices, exchange prices, and wholesale list prices thereof, the date of such adoption, and for how long a period such adoption was made. If any of the terms aforesaid shall differ from or be less favorable than those quoted by the publisher or publishers of such book or books and on file in the office of the Superintendent of Public Instruction, as provided in section 18 of this act, the Superintendent of Public Instruction shall so notify such school board or board of education, and such adoption shall thereupon become null and void, and the publisher or publishers thus violating the provisions of this act shall, on conviction in the circuit court of the district in which such city is situated, be guilty of a misdemeanor and subject to a fine of not less than one hundred dollars, nor ore than three hundred dollars, for each and every such violation.

Said amendment was disagreed to.

Mr. Harris offered the following amendment to said bill:

Amend by striking out from lines 24, 25, 26 and 27, on page 3, the words beginning "and provided further," and ending with the word "books," and insert in lieu thereof the following: "Contracting publishers shall compensate official book dealers for handling said books, and said dealers shall not charge pupis or patrons any advance or profit upon the contract retail prices of said books."

Said amendment was disagreed to.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
O. P. Applegate,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
R. L. Gwathmey,
C. W. G. Hannah,
R. Dillard Hunter,
F. M. Hutcheson, Jr.,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
W. C. McChord,
H. L. Myers,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
S. Albert Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
John S. Steers,
J. B. Swann,
D. P. Taggart,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,—69

Those who voted in the negative were—

Robert H. Anderson,
Louis W. Arnett,
Robert L. Harris,
R. F. Hutchinson,
W. F. Klair,
W. L. Kimbrough,
J. B. Maynard,
Emanuel Meyer,
Chris. Mueller,
Gus W. Richardson,
W. H. Shanks,
W. H. Strange,
J. A. Sullivan,—13

Resolved, that the title thereof be as aforesaid.

And then the House adjourned.

MONDAY, MARCH 16, 1908.

The House was opened with prayer by Rev. Wm. Crowe, of the Presbyterian Church Southern Assembly, Hon. George S. Wilson, Speaker pro tem. presiding.

(See journal of Saturday).

The reading of the journal of the proceedings of Saturday, March 14, 1908, was dispensed with.

A message was received from the Senate announcing that they had passed bills which originated in the House of Representatives of the following titles:

H. B. 136. An act to allow veteran volunteer firemen's associations pensions in the city of Louisville.

H. B. 185. An act requiring cities of the first class to levy and collect a tax of not less than 36 cents on each one hundred dollars worth of property assessed for taxation for city purposes for the maintenance of the common schools in said cities, being an amendment to section 2969 of the Kentucky Statutes which is a part of an act for the government of cities of the first class, approved July 1, 1893.

H. B. 210. An act to amend section 4643 of the Kentucky Statutes.

H. B. 230. An act to amend 2949 of the Kentucky Statutes to compensate school trustees in cities of the first class for the attendance at school board and committee meetings.

H. B. 288. An act to regulate child labor law and make the provisions thereof effective.

H. B. 32. An act defining the crime of abortion, and prescribing a penalty therefor.

With an amendment to the last named bill by way of substitute therefor.

Mr. Klair moved that when the House adjourn it be to m[illegible] at 3:30 o'clock this afternoon.

Said motion was agreed to.

Mr. Steers moved that there be a session of this House this evening, beginning at 7:30 o'clock, for the purpose of reading and comparing enrolled bills only.

Said motion was agreed to.

The House took up for consideration from the calendar bills of the following titles:

S. B. 41. An act declaring it unlawful and providing penalties for any person to provide, open, control, manage or keep any room, building, float, vessel or premises in this Commonwealth wherein any persons may assemble and congregate to bet and wager money upon horse races and other contests run and decided in this State or any other State or country or to aid or abet another in so doing, or to assemble or bet or wager therein.

S. B. 74. An act to amend an act entitled, An act for the benefit of the penitentiaries at Frankfort and Eddyville and appropriating money for the erection of necessary buildings and improvements at said penitentiaries.

S. B. 154. An act providing for stenographic reports of trials in examining courts.

S. B. 176. An act to establish a Sub-Experiment Station in Eastern Kentucky and a like station in Western Kentucky.

S. B. 197. An act to amend an act entitled, An act creating a State Board of Agriculture, Forestry and Immigration, specifying the duties thereof, and appropriating money therefor.

S. B. 230. An act to appropriate $5,000 to assist the Kentucky State Development Association to develop the State of Kentucky.

S. B. 253. An act to amend an act amending section 965 of the Kentucky statutes, relating to the time of holding circuit courts in the eighth judicial district, which amendment was approved March 17, 1896.

S. B. 267. An act to amend an act entitled, An act to continue in force drainage systems established and operated by drainage corporations heretofore in any of the counties of Kentucky, this act to be section 2417a of the Kentucky Statutes, and being chapter 151 of the acts of 1906.

Ordered, that said bills be severally read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, said bills were severally read the second time by their titles.

Ordered, that said bills be placed in the orders of the day.

The following communication from the Executive Department was received and read, viz.:

Executive Department,
Frankfort, Ky., March 16, 1908.

To the Members of the House of Representatives:

I am requested by the Governor to inform you that he has this day approved House Bill No. 26, with the following statement attached thereto:

"The second section of this Bill provides that the said State University be maintained by the Commonwealth. While this sen-

tence is vague, it will be cited in the future as committing the State to the whole support of this State University for the higher education of about one in seven hundred of our youth, who are being educated by the State, and I should not be willing to commit the State to that policy without careful inquiry before hand as to the amount which it will cost the State each year and provision before hand for raising the money, and there has been no such inquiry before adopting this bill. But as the expression, while it seems to be a new pledge, does not explicitly provide for additional expense, and as future General Assemblies must make any appropriations under this pledge and future Governors approve them, I have decided that I fulfil my duty in placing on the record the fact that in approving this bill, I do not approve that clause as a pledge or as in any way legally or morally binding the State to maintain the University or its branches, except in so far as expressly apropriated heretofore. I therefore approve this bill this sixteenth day of March, nineteen hundred and eight."

(Signed) (McKenzie Todd),
Sec't Gov.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 7. An act to amend sections 2 and 5 of article 1 of an act entitled, An act relating to revenue and taxation, approved March 15, 1906.

Together with an amendment heretofore proposed thereto by the Committee on Municipalities.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2, of article one, of an act, entitled "An act

relating to revenue and taxation," approved March 15, 1906, be amended so that said section, as hereby amended and re-enacted shall read as follows:

"§ 2. All real and personal estate within this State, and all personal estate of persons residing in this State, and of all corporations organized under the laws of this State, whether the same be in or out of the State, including intangible property, which shall be considered and estimated in fixing the value of corporate franchises as herein provided, shall be subject to taxation unless the same be exempt from taxation by the Constitution, and shall be assessed at its fair cash value, estimated at the price it would bring at a fair voluntary sale: Provided, however, That tangible personal property located and having a taxable situs without the State, of persons residing in this State, and of all corporations organized under the laws of this State, shall not be subject to taxation: Provided, further, That the situs of intangible personal property for purposes of taxation shall be at the residence of the real or beneficial owner, and not at the residence of the fiduciary or agent having the custody or possession of same."

§ 2. That section 5, of article 1, of an act, entitled "An act relating to revenue and taxation," approved March 15, 1906, be amended so that said section, as hereby amended and re-enacted, shall read as follows:

"§ 5. The holder of the legal title, and the holder of the equitable title, and the claimant or bailee in possession of the property, on the first day of September of the year the assessment is made, shall be liable for taxes thereon; but, as between themselves, it shall be the duty of the holder of the equitable title to list the property and pay the taxes thereon, whether the property be in possession or not at the time of the payment:

"Provided, however, That an administrator, executor, trustee, committee, curator or agent residing in the State shall not be

liable for taxes on intangible personal property, where the real or beneficial owner of such intangible personal property, held by them or any of them, resides outside of the State; but this exemption shall not apply in the case of an executor or administrator in the exercise of his office as personal representative while the estate of a deceased person is in process of settlement and before the share of the non-resident legatee or beneficiary is set apart to him, or before said legatee is entitled to be paid his share: And provided, That if the property be sold before February 1st, of the year in which the taxes are due and payable, then as, between the purchaser and seller, and in the absence of any contract to the contrary, it shall be the duty of the purchaser of the property to pay the taxes thereon; and if the property is sold after February 1, in the year in which the taxes are due and payable, it shall be the duty of the seller to pay the taxes thereon."

The amendment proposed thereto by the committee is as follows:

Amend section 5 by adding thereto the following words: And provided, further, that this act shall not be retroactive in its effect, and shall not affect any taxes now due or for years prior to the passage of this act.

Said amendment was agreed to.

Mr. Simmons offered the following amendment to said bill:

Amend by adding to section 1 at the end of line 20 the following: "Provided, further, that nothing herein contained shall in any way affect the liability for franchise taxes now payable by corporations organized under the laws of this State.

Said amendment was agreed to.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Robert H. Anderson,
O. P. Applegate,
Louis W. Arnett,
J. W. Berkshire,
F. Pierce Blair,
J. T. Buford,
Albert Butler,
C. C. Chase,
J. Will Clay,
H. K. Cole,
Denver B. Cornett,
W. A. B. Davis,
Thurman B. Dixon,
J. A. Duff,
Robert Enlow,
John Feland,
S. L. Givan,
John P. Haswell, Jr.
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.,
R. F. Hutchinson,
J. H. Jackson,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
Jasper D. Lowe,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
Emanuel Meyer,
H. L. Myers,
Chris Mueller,
C. C. Patrick,
G. L. Perryman,
G. T. Reynolds,
Isaac G. Rice,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
S. Albert Shanklin,
J. A. Sloan,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
C. S. Templeman,
Wm. M. Thompson,
John P. Wallace,
Harry Weitkamp,
W. C. Wynn,—55

Those who voted in the negative were—

Elliott B. Beard,
O. Houston Brooks,
Frank J. Brown,
Dr. C. F. Crecelius,
W. F. Edmunds,
W. I. Jackson,
W. C. McChord,
Duncan Milliken,
A. C. Oliver,
W. V. Perry,
John L. Smith,
J. W. Stump,
J. B. Swann,
E. E. Wash,
Geo. S. Wilson,
J. Hal. Woodford—16

Resolved, that the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 86. An act to amend an act entitled, An act to amend the charter of Bacon College, and to amend an act entitled, An act to consolidate Kentucky University and Transylvania University and to change the name of Kentucky University to Transylvania University.

Said bill is as follows, viz.:

Whereas, By an act of the General Assembly of the Commonwealth of Kentucky, approved on the 15th day of January, 1858, the charter of Bacon College was so amended as that the name of said Bacon College was changed to the name of "Kentucky University;" and

Whereas, By an act of said Assembly, approved on the 28th day of February, 1865, the said Kentucky University and Transylvania University were consolidated, under the name of Kentucky University, and the funds and property of said Universities were placed under the control of the Board of Curators of Kentucky University, under the terms and conditions of said act of consolidation; and

Whereas, It is desired by the friends of the Agricultural and Mechanical College of Kentucky, to assume the name of "The State University, Lexington, Kentucky," and the assumption of such name would result in the confusion in the affairs of the two institutions; now,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the name of Kentucky University be, and the same is now, changed to that of "Transylvania University," and the present Board of Curators of Kentucky University, and the sucessors of said board, shall be known as "The Board of Curators of Transylvania University." To this extent, the act entitled, "An act to amend the charter of Bacon College," approved 15th Janu-

ary, 1858, is hereby amended. And to this extent, the act entitled, "An act to consolidate Kentucky University and Transylvania University," approved February 28, 1865, is likewise amended.

§ 2. That the property and funds of said Kentucky University, as at present owned and controlled by the Board of Curators of Kentucky University, shall be owned and controlled by said Board of Curators of Kentucky University, under the name of "Board of Curators of Transylvania University," and under the terms and conditions provided in the acts, recited in the title of this act.

§ 3. The powers, duties, rights, privileges and obligations now vested by law in the Board of Curators of Kentucky University are hereby conferred on, and vested in, the said Board of Curators, under the name and style of "The Board of Curators of Transylvania University."

§ 4. This act shall take effect from and after its passage.

Ordered, that said bill be read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson,	C. W. G. Hannah,	R. S. Rector,
Louis W. Arnett,	John P. Haswell, Jr.	G. T. Reynolds,
Elliott B. Beard,	W. W. Hopkins,	Isaac G. Rice,
J. W. Berkshire,	R. Dillard Hunter,	Gus W. Richardson,
P. W. Berkshire,	F. M. Hutcheson, Jr.,	H. A. Schoberth,
F. Pierce Blair,	R. F. Hutchinson,	W. H. Shanks,
O. Houston Brooks,	W. Harrison Isaacs	John T. Shanklin,
Frank J. Brown,	J. H. Jackson,	S. Albert Shanklin,

W. N. Brown, Jr.	W. J. Jackson,	Robert C. Simmons,
J. T. Buford,	T. C. Jackson,	J. A. Sloan,
Albert Butler,	W. H. Jones,	John L. Smith,
C. C. Chase,	W. F. Klair,	John S. Steers,
J. Will Clay,	W. L. Kimbrough,	R. E. Stewart,
H. K. Cole,	Cleves G. Kinkead,	W. H. Strange,
Denver B. Cornett,	A. T. Knox,	J. W. Stump,
Dr. C. F. Crecilius,	E. W. Lillard,	J. B. Swann,
John T. Davis,	Jasper D. Lowder,	Eugene W. Tandy,
W. A. B. Davis,	W. C. McChord,	C. S. Templeman,
Thurman B. Dixon,	Emanuel Meyer,	Wm. M. Thompson,
J. A. Duff,	H. L. Myers,	Geo. C. Waggoner,
W. F. Edmunds,	Duncan Milliken,	John P. Wallace,
Robert Enlow,	Chris Mueller,	E. E. Wash,
John Feland,	Jesse F. Nichols,	W. C. Wynn,
Thos. E. Finn,	G. W. Parrott,	Geo. S. Wilson,
S. L. Givan,	C. C. Patrick,	J. Hal. Woodford—77
F. E. Graves,	J. F. Porter,	

Resolved, that the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 121. An act to amend section 2054, of chapter 63 of the Kentucky Statutes relating to the State Board of Health.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2054, chapter 63, of Kentucky Statutes, relating to the State Board of Health be, and is hereby, amend-

ed by striking out all of said section and inserting and re-enacting in lieu thereof such words that said section when so amended shall read as follows:

Section 2054. The sum of twenty-five thousand dollars per annum, or so much thereof as may be deemed necessary by the State Board of Health, is hereby appropriated for the following purposes:

1. To establish and equip a State Laboratory for the free examination of the products of tuberculosis, typhoid fever, diphtheria and other communicable diseases, with the view to their prevention.

2. To employ a skilled State Bacteriologist and such assistants as may be found necessary for the proper conduct of this work.

3. To hold schools of instruction for county and city health officers and to provide teachers and demonstrators for the same.

4. To hold public health conventions annually in the various counties and districts in connection with farmers' and teachers' institutes or otherwise for oral instruction and demonstration of practical methods for the prevention of typhoid fever, consumption and other domestic pestilences.

5. To make a survey and investigation of the rivers, creeks, water sheds and other matters pertaining to the sources and character of the water supply in all sections of the State, with the view to the protection and purification of the same.

6. To pay the salary of the secretary and such clerks, stenographers, sanitary inspectors and other employes as may be found necessary.

7. To pay the traveling and such contingent and other expenses of the board as it may find necessary in the proper discharge of its duties.

These salaries and expenses shall be certified and paid in the same manner as provided for the salary of the secretary.

§ 2. This act shall take effect and be in force in accordance with the provisions of the Constitution where no emergency is declared to exist.

Ordered, that said bill be read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	John Feland,	John C. Pirtle,
Robert H. Anderson,	F. E. Graves,	J. F. Porter,
O. P. Applegate,	Robert L. Harris,	R. S. Rector,
Louis W. Arnett,	W. W. Hopkins,	Gus W. Richardson,
Elliott B. Beard,	F. M. Hutcheson, Jr.,	H. A. Schoberth,
P. W. Berkshire,	R. F. Hutchinson,	W. H. Shanks,
O. Houston Brooks,	J. H. Jackson,	S. Albert Shanklin,
Frank J. Brown,	W. J. Jackson,	Robert C. Simmons,
J. T. Buford,	W. F. Klair,	J. A. Sloan,
C. C. Chase,	W. C. McChord,	John L. Smith,
J. Will Clay,	Emanuel Meyer,	John S. Steers,
H. K. Cole,	H. L. Myers,	C. S. Templeman,
Dr. C. F. Crecelius,	Duncan Milliken,	Geo. C. Waggoner,
John T. Davis,	Garfield Moore,	John P. Wallace,
W. A. B. Davis,	Chris Mueller,	E. E. Wash,
Henry H. Denham,	Jesse F. Nichols,	Geo. S. Wilson,
Thurman B. Dixon,	A. C. Oliver,	J. Hal. Woodford,-53
Wm. E. Dowling,	W. V. Perry,	

Those who voted in the negative were—

J. W. Berkshire,	T. C. Jackson,	G. L. Perryman,

F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
Thos. E. Finley,
C. W. G. Hannah,
R. Dillard Hunter,
W. Harrison Isaacs,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
G. W. Parrott,
C. C. Patrick,
G. T. Reynolds,
Isaac G. Rice,
John T. Shanklin,
Sawyer A. Smith,
J. W. Stump,
J. B. Swann,
Eugene W. Tandy,
Wm. M. Thompson,
W. C. Wynn,—29

Resolved, that the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 103. An act to provide for an annual school of county and city health officers and to provide for the conduct and expenses of the same.

Said bill is as follows, viz.:

Whereas, It is believed by those best informed on the subject that one-third of the sickness and one-third of the deaths which occur in this State every year are caused by tuberculosis, typhoid fever, diphtheria, dysentery, scarlet fever and other diseases which are practically preventable, and by other bad sanitary conditions, and,

Whereas, This unnecessary sickness brings an annual tax upon the people every year greater than that collected legally for all purposes, and requires for its prevention specially skilled and trained health officials in each county and city, therefore.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the State Board of Health to arrange for annual school instruction in the latest practical methods of preventing tuberculosis typhoid fever, diphtheria, dysentery, cholera infantum, and other domestic or preventable diseases, at the Capital and in general public health work, or at some other central and conveniently located point, and to employ such instructors and demonstrators as may be necessary, and to pay for the same, said meeting to continue in session for at least three days.

§ 2. It shall be the duty of each county and city health officer to attend and take part in such school unless prevented by an epidemic in his county or city, or for other reason satisfactory to the officials conducting the school. It shall be the duty of each fiscal court or council to pay the necessary actual traveling expenses of its health officer, incurred by attendance upon such meetings, upon certificates attested by the State Board of Health of actual attendance during the entire period for which such school is held and that the charge is reasonable.

§ 3. This act shall be in force in accordance with the provisions of the Constitution.

Ordered, that said bill be read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	John Feland,	W. V. Perry,
Robert H. Anderson,	F. E. Graves,	John C. Pirtle,

O. P. Applegate,
Frank J. Brown,
J. T. Buford,
C. C. Chase,
J. Will Clay,
H. K. Cole,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Thurman B. Dixon,
Wm. E. Dowling,
Robert L. Harris,
W. W. Hopkins,
F. M. Hutcheson, Jr.,
J. H. Jackson,
W. F. Klair,
A. T. Knox,
J. B. Maynard,
W. C. McChord,
H. L. Myers,
Duncan Milliken,
Jesse F. Nichols,
H. A. Schoberth,
W. H. Shanks,
S. Albert Shanklin,
J. A. Sloan,
John L. Smith,
Eugene W. Tandy,
C. S. Templeman,
Geo. C. Waggoner,
E. E. Wash,
Harry Weitkamp,
Geo. S. Wilson,—40

Those who voted in the negative were—

P. W. Berkshire,
W. A. Cope,
Henry H. Denham,
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
S. L. Givan,
C. W. G. Hannah,
R. F. Hutchinson,
W. J. Jackson,
W. L. Kimbrough,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Wm. S. Markolf,
G. W. Parrott,
C. C. Patrick,
J. F. Porter,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
John T. Shanklin,
R. E. Stewart,
J. W. Stump,
J. B. Swann,
Wm. M. Thompson,
W. R. Whitlow,—27

Resolved, that the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 20. An act to amend section 1784 of the Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1784, of the Kentucky Statutes, be amended by adding thereto and following the word "and," "the cost of erecting such fence shall constitute a lien, superior to all others, upon the land of the recusant in favor of the party erecting such fences, and shall be enforced as other liens;" so that said section 1784, of the Kentucky Statutes, when so amended, shall read as follows:

"Section 1784. When a division fence is desirable, or is made necessary for the division of improved or enclosed lands or when no fence or no division fence exist between the improved or enclosed lands of adjoining owners, or the lands where the right of way is owned by one party, either party may after he has built a lawful fence upon his proportion of the line, require the other to erect a lawful fence out of planks, rails, wire and plank, upon his proportion of the line, but no barbed wire; should he fail so to do, after three month's notice, in writing, may erect such fence, and the cost of erecting such fence shall constitute a lien, superior to all others, upon the land of the recusant in favor of the party erecting such fence, and shall be enforced as other liens. But the provisions of this section shall not apply where the party who erects the fence has received compensation for fencing his entire line, or where written agreements concerning the fencing have been entered into. But nothing herein shall be construed to conflict with an act requiring railroad corporations, and other persons operating and controlling railroads, and land owners to fence their right of way and railroad track, and to construct barriers and cattle guards at certain public road and highway crossings, and to maintain and keep the same in repair, and prescribing remedies and penalties for failing to do so, approved August fifth, one thousand eight hundred and ninety-two, that no barbed wire shall be used by any one

in construction of a division fence, except by consent of both parties to the fence.'"

Ordered, that said bill be read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Robert H. Anderson,
O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
J. T. Buford,
Albert Butler,
C. C. Chase,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Dr. C. F. Crecilius,
W. A. B. Davis,
Henry H. Denham,
Wm. E. Dowling,
W. F. Edmunds,
John Feland,
S. L. Givan,
F. E. Graves,
R. L. Gwathmey,
John P. Haswell, Jr.
W. W. Hopkins,
R. Dillard Hunter,
R. F. Hutchinson,
J. H. Jackson,
W. H. Jones,
W. F. Klair,
Cleves G. Kinkead,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
H. L. Myers,
Duncan Milliken,
Chris Mueller,
Jesse F. Nichols,
G. W. Parrott,
G. L. Perryman,
John C. Pirtle,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
Gus W. Richardson,
H. A. Schoberth,
John T. Shanklin,
S. Albert Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
W. H. Strange,
J. W. Stump,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Geo. C. Waggoner,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford,-64

Those who voted in the negative were—

Robert Ennow,	A. T. Knox,	W. V. Perry,
W. J. Jackson,	J. B. Maynard,	R. E. Stewart,—8
W. L. Kimbrough,	W. C. McChord,	

Resolved, that the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 21. An act relating to registration in towns of the fifth and sixth classes, amending section 1486 of Kentucky Statutes by striking out fifth and sixth.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whereas, section 1486, of Kentucky Statutes, was amended and approved February 14, 1904, be, and the same is hereby, amended by striking out the words "fifth" and "sixth" in the second line of said section; so that said section as amended shall read as follows:

"In all cities and towns of the first, second, third and fourth classes there shall be a registration of all the qualified voters of the respective cities and towns, which registration shall be held and conducted as herein provided."

Mr. Porter offered the following amendment to said bill by way of substitute therefor, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1, chapter 6, Acts 1904, of an act, entitled "An act to amend an act, entitled, An act to amend an act, entitled An act to regulate elections in this Commonwealth, approved June 30, 1892," which act was approved February 11, 1904, be and the same is hereby amended by striking out the first part of said section down to and including the word "follows" in line 7, and also by striking out the words "fifth and sixth" in line nine of said section, and insert the word "and" between the words "third" and "fourth" in the same line, so that said section as amended, shall read as follows:

"In all cities and towns of the first, second, third and fourth classes there shall be a registration of all the qualified voters of the respective cities and towns, which registration shall be held and conducted as herein provided.'"

§ 2. All acts or parts of acts in conflict with this act are, to the extent of such conflict, hereby repealed.

Said substitute was agreed to.

Ordered, that said bill as amended be read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill as amended was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	R. L. Gwathmey,	John C. Pirtle,
Robt. H. Anderson,	C. W. G. Hannah,	J. F. Porter,
O. P. Applegate	John P. Haswell, Jr.	R. S. Rector,

Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
Robert Enlow,
John Feland,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.,
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
H. L. Myers,
Duncan Milliken,
Jesse F. Nichols,
G. W. Parrott,
C. C. Patrick,
W. V. Perry,
G. T. Reynolds,
Isaac G. Rice,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
S. Albert Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford,
—87

Resolved, that the title thereof be as follows:

An act to amend an act entitled, An act to regulate elections in this Commonwealth, approved June 30, 1892, which act was approved February 11, 1904.

Mr. Porter moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 122. An act to create an Educational Commission to define its powers and duties and to provide for its expenses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a commission of eleven members be, and is hereby, created, to be known as the Educational Commission to be constituted and appointed as hereinafter provided.

§ 2. Said commission shall consist of the Governor, the Superintendent of Public Instruction, one member of the Senate to be chosen by the Senate upon the passage and approval of this act, one member of the House of Representatives to be chosen by the House of Representatives, upon the passage and approval of this act, one woman to be chosen by the Kentucky Federation of Women's Clubs, the President of the State University, the President of the Eastern State Normal School, the President of the Western State Normal School, one Representative of the Colleges of Kentucky, one Superintendent of City Schools and one Superintendent of County Schools. The three members last named shall be appointed by the Governor upon the passage and approval of this act. The Superintendent of Public Instruction shall, ex officio, be Chairman of the Commission. All vacancies that may occur, by resignation or otherwise, shall be filled by the Governor.

§ 3. The commission shall meet at the call of the chairman and elect a secretary, and shall cause a record to be made and kept of all its proceedings. Six members shall constitute a quorum for the transaction of business.

§ 4. It shall be the duty of the Educational Commission to make a thorough investigation of the whole school system and all the educational interests of Kentucky, and the laws under which the same are organized and operated; to make a comparative study

of such other school systems as may seem advisable and to submit to the next General Assembly a report embracing such suggestions, recommendations, revisions, additions, corrections and amendments as the Commission shall deem necessary.

§ 5. The Superintendent of Public Printing is hereby authorized and directed to do the printing necessary for the Educational Commission.

§ 6. The members of the commission shall receive only their actual personal and traveling expenses, to be paid upon the presentation of itemized statements of such accounts, verified by affidavits, and the Auditor of Public Accounts is hereby authorized to draw his warrant or warants for such expenses and for postage, clerical service and incidentals on the order of Educational Commission, signed by the Chairman and attested by its Secretary. The money authorized to be paid under this act shall be paid out of the general funds not otherwise appropriated.

§7. Whereas, an emergency exists, therefore this act shall take effect and be enforced upon its passage and approval.

Ordered, that said bill be read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	C. W. G. Hannah,	John C. Pirtle,
Robert H. Anderson,	John P. Haswell, Jr.,	J. F. Porter,
O. P. Applegate,	W. W. Hopkins,	R. S. Rector,
Louis W. Arnett,	R. Dillard Hunter,	G. T. Reynolds,
Elliott B. Beard,	F. M. Hutcheson, Jr.	Isaac G. Rice,

F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Wm. E. Dowling,
J. A. Duff,
Robert Enlow,
John Feland,
S. L. Givan,
R. L. Gwathmey,
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
Cleves G. Kinkead,
A. T. Knox,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
H. L. Myers,
Jesse F. Nichols,
C. C. Patrick,
W. V. Perry,
G. L. Perryman,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
S. Albert Shanklin,
Robert C. Simmons,
J. A. Sloan,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
Geo. S. Wilson,
J. Hal. Woodford,—78

Resolved, that the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 117. An act to provide for the teaching of the elements of agriculture in the public schools of this Commonwealth.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the course of instruction given in the Public Schools

of this Commonwealth shall embrace the subject of the elements of agriculture, and that the same be taught as thoroughly as the other required subjects in the public school curriculum.

§ 2. That the same general requirements for the teaching of the other branches of the public schools of this Commonwealth shall apply in the teaching of the elements of agriculture, and the same shall be one of the required subjects; but no teacher shall be required to stand an examination in this subject until the year 1910.

§ 3. A suitable book not to cost over seventy-five cents, for instruction in agriculture shall be provided for by the State School Book Commission at the next regular adoption of other text books for this Commonwealth, and this act shall take effect and be in full force at the beginning of the school year 1909. But the provisions of this act shall not apply to cities of the first and second classes.

Ordered, that said bill be read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and placed upon its passage.

The yeas and nays being taken upon the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson,	W. V. Perry,	Wm. M. Thompson,
J. T. Buford,	**John C. Pirtle,**	Geo. C. Waggoner,
H. K. Cole,	G. T. Reynolds,	John P. Wallace,
R. L. Gwathmey,	Isaac G. Rice,	Harry Weitkamp,
J. H. Jackson,	H. A Schoberth,	W. R. Whitlow,
Hugh Mahin,	W. H. Shanks,	**Geo. S. Wilson,**
W. C. McChord,	**J. A. Sloan,**	J. Hal. Woodford,
C. C. Patrick,	C. S. Templeman,	—23

Those who voted in the negative were—

A. A. Allphin,
O. P. Applegate
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
Albert Butler,
C. C. Chase,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
John Feland,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
C. W. G. Hannah,
Robert L. Harris,
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.,
R. F. Hutchinson,
W. Harrison Isaacs,
T. C. Jackson,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
H. L. Myers,
Duncan Milliken,
Garfield Moore,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
G. L. Perryman,
J. F. Porter,
R. S. Rector,
Gus W. Richardson,
John T. Shanklin,
Albert S. Shanklin,
Robert C. Simmons,
John L. Smith,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. B. Swann,
Eugene W. Tandy,
E. E. Wash,
W. C. Wynn.—63

And so said bill was agreed to.

Mr. Arnett moved that the vote by which said bill was disagreed to be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

And then the House adjourned.

AFTERNOON SESSION.

At 3:30 o'clock p. m. the House convened pursuant to resolution adopted at the forenoon session.

A message was received from the Senate announcing that they

had concurred in amendments proposed by the House of Representatives to bills which originated in the Senate of the following titles:

S. B. 7. An act to amend sections 2 and 5 of Article 1 of an act entitled, An act relating to revenue and taxation, approved March 15, 1906.

S. B. 21. An act relating to registration in towns of the fifth and sixth classes, amending section 1486 of Kentucky Statutes, by striking out the words "fifth and sixth."

That they had passed bills originating in the House of the following titles:

H. B. 107. An act to amend section 20, Article 1, of an act entitled, An act relating to revenue and taxation, approved March 15, 1906.

H. B. 108. An act to amend section 4375 of the Kentucky Statutes, Carroll's edition, 1903.

H. B. 109. An act to amend an act entitled, An act relating to revenue and taxation, approved March 15, 1906.

H. B. 138. An act to change the court calendar of the Thirteenth Judicial District.

H. B. 141. An act for the government and regulation of the common schools of this Commonwealth.

H. B. 143. An act to amend an act entitled, An act to amend section 4315, Kentucky Statutes, being chapter 110 of the Kentucky Statutes, approved March 21, 1906.

H. B. 198. An act providing for the continuation of the geological, topographical and agricultural survey of the State of Kentucky and for continuation of the topographical surveys in co-operation with U. S. Geological Survey.

H. B. 204. An act to amend section 1541, Kentucky Statutes, Carroll's edition, 1903.

H. B. 259. An act to regulate the admission of attorneys to practice law.

H. B. 261. An act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define the terms and fixing and defining the powers of the several county courts within this Commonwealth with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised.

H. B. 262. An act fixing and defining the powers of the several county courts within this Commonwealth with reference to persons responsible for or directly promoting or contributing to the conditions that render a child dependent, neglected or delinquent, and providing how such powers may be exercised.

H. B. 207. An act to regulate the time of holding courts by justices of the peace in magisterial districts in this Commonwealth for the trial of civil causes.

With an amendment to the last named bill.

Said amendment to read as follows:

Amend by striking out the word "shall" in the first line of section 1 and inserting in lieu thereof the word "may."

Said amendment was agreed to.

The yeas and nays being taken on the passage of said bill as amended in accordance with the provision of the constitution were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	W. Harrison Isaacs,	Isaac G. Rice,
Robert H. Anderson,	J. H. Jackson,	Gus W. Richardson,
O. P. Applegate,	W. J. Jackson,	H. A. Schoberth,
Louis W. Arnett,	W. H. Jones,	W. H. Shanks,

Elliott B. Beard,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
C. C. Chase,
J. Will Clay,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
Robert Enlow,
John Feland,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
C. W. G. Hannah,
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
E. W. Lillard,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
H. L. Myers,
Duncan Milliken,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
W. V. Perry,
John C. Pirtle,
R. S. Rector,
G. T. Reynolds,
Albert S. Shanklin,
John T. Shanklin,
Robert C. Simmons,
John L. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford,
—73

Mr. Shanks, of the Committee on Rules, offered the following resolution, viz.:

Whereas, The Hon. Virgil McKnight, a member of the House of Representatives from Mason County, died on February 17, 1906, and any State, County, or City Board of Education at any price in and was buried at Cave Hill Cemetery, at Louisville, Kentucky, on February 19, 1908, and

Whereas, Under a resolution adopted a committee of fifteen members from the House and six members from the Senate, together with the Sergeants-at-Arms from the two Houses, was appointed to make all necessary arrangements for the funeral and burial and accompany the remains of the deceased fellow member to its last resting place, and

Whereas, In doing so an expense was incurred as follows:

R. Rogers & Sons, undertaker at Frankfort, Ky., for their complete services on said occasion	$318.00
Seelbach Hotel Co., Louisville, Ky.	151.00
Floral design	50.00
Moss Bartelle, soloist	25.00
	$544.60

Itemized account for which several amounts are hereto attached.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the sum of $544.60 be and the same is hereby allowed to be paid out of any funds in the State Treasury not otherwise appropriated and that the Auditor be directed to draw his warrant on the State Treasurer in favor of C. W. Longmire, Sergeant-at-Arms of the House of Representatives, for the above amount. The said Longmire is directed to pay the same to the parties entitled thereto the same to be certified and paid as a contingent expense of the General Assembly.

Said resolution was agreed to.

The yeas and nays being taken on the adoption of said resolution were as follows, viz:

Those who voted in the affirmative were—

Robert H. Anderson,	R. F. Hutchinson,	A. C. Oliver,
O. P. Applegate,	W. Harrison Isaacs,	C. C. Patrick,
Louis W. Arnett,	J. H. Jackson,	W. V. Perry,
J. W. Berkshire,	W. J. Jackson,	John C. Pirtle,
O. Houston Brooks,	W. H. Jones,	R. S. Rector,
Frank J. Brown,	W. F. Klair,	Gus W. Richardson,
J. T. Buford,	W. L. Kimbrough,	H. A. Schoberth,
C. C. Chase,	Cleves G. Kinkead,	W. H. Shanks,
J. Will Clay,	A. T. Knox,	Albert S. Shanklin,

Dr. C. F. Crecelius	A. T. Lee,	Robert C. Simmons,
Thurman B. Dixon,	E. W. Lillard,	J. A. Sloan,
Wm. E. Dowling,	Jasper D. Lowder,	John L. Smith,
John Feland,	Hugh Mahin,	Sawyer A. Smith,
Thos. E. Finley,	W. C. McChord,	John S. Steers,
F. E. Graves,	Emanuel Meyer,	Eugene W. Tandy,
C. W. G. Hannah,	H. L. Myers,	C. S. Templeman,
John P. Haswell, Jr.	Chris. Mueller,	Geo. C. Waggoner,
W. W. Hopkins,	Jesse F. Nichols,	Geo. S. Wilson, ---55
F. M. Hutcheson, Jr.,		

The House took up for consideration from the clerk's desk a bill entitled:

H. B. 11. An act to provide necessary clerical service for the Library of the Commonwealth.

Together with the amendment heretofore proposed thereto by the Senate.

Said amendment is as follows:

"Strike out one hundred dollars and insert in lieu thereof fifty dollars."

Said amendment was agreed to.

The yeas and nays being taken on the passage of said bill as amended, in accordance with the provision of the constitution were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,	F. E. Graves,	J. F. Porter,
O. P. Applegate	R. L. Gwathmey,	R. S. Rector,
Louis W. Arnett,	John P. Haswell, Jr.	G. T. Reynolds,
Elliott B. Beard,	W. W. Hopkins,	Isaac G. Rice,
J. W. Berkshire,	R. Dillard Hunter,	Gus W. Richardson,
P. W. Berkshire.	F. M. Hutcheson, Jr.,	H. A. Schoberth,

F. Pierce Blair,
Frank J. Brown,
J. T. Buford,
Albert Butler,
C. C. Chase,
J. Will Clay,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
John Feland,
Thos. E. Finley,
R. F. Hutchinson,
W. Harrison Isaacs,
J. H. Jackson,
T. C. Jackson,
W. L. Kimbrough,
Cleves G. Kinkead,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
Emanuel Meyer,
H. L. Myers,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
G. L. Perryman,
John C. Pirtle,
W. H. Shanks,
John T. Shanklin,
S. Albert Shanklin,
J. A. Sloan,
John L. Smith,
John S. Steers,
J. W. Stump,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,---69

Those who voted in the negative were—

C. W. G. Hannah, W. J. Jackson, A. T. Knox ---3

The House took up for consideration from the clerk's desk a bill entitled:

H. B. 32. An act defining the crime of abortion and prescribing a penalty therefor.

Together with an amendment thereto by way of substitute therefor proposed by the Senate.

Said substitute amendment was agreed to.

The yeas and nays being taken on the passage of said bill as amended in accordance with the provision of the constitution, were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin, **W. W. Hopkins,** R. S. Rector,

Robert H. Anderson,	R. Dillard **Hunter,**	G. T. **Reynolds,**
O. P. Applegate,	**W. Harrison Isaacs,**	Isaac G. Rice,
Louis W. Annett,	**J. H. Jackson,**	Gus W. **Richardson,**
Elliott B. **Beard,**	T. C. Jackson,	H. A. **Schoberth,**
J. W. **Berkshire,**	W. H. Jones,	W. H. **Shanks,**
P. W. Berkshire,	W. F. Klair,	**John T. Shanklin,**
F. Pierce Blair,	W. L. Kimbrough,	**Albert S. Shanklin,**
O. Houston Brooks,	Cleves G. Kinkead,	**Robert C. Simmons,**
Frank J. Brown,	A. T. Knox,	John L. Smith,
W. N. Brown, Jr.,	A. T Lee,	Sawyer A. Smith,
J. T. Buford,	E. W. Lillard,	John S. Steers,
Albert Butler,	Jasper D. Lowder,	R. E. Stewart,
C. C. Chase,	Hugh Mahin,	W. H. Strange,
H. K. Cole,	Wm. S. Markolf,	J. B. Swann,
W. A. Cope,	J. B. Maynard,	Eugene W. Tandy,
Denver B. Cornett,	W. C. McChord,	C. S. Templeman,
Dr. C. F. Crecelius,	Emanuel Meyer,	Wm. M. Thompson,
W. A. B. Davis,	H. L. Myers,	**Geo. C. Waggoner,**
Thurman B. Dixon,	Duncan Milliken,	**John P. Wallace,**
Wm. E. Dowling,	**Jesse F. Nichols,**	E. E. Wash,
J. A. Duff,	A. C. Oliver,	Harry Weitkamp,
Robert Enlow,	G. W. Parrott,	W. R. Whitlow,
John Feland,	W. V. Perry,	W. C. Wynn,
Thos. E. Finley,	G. L. Perryman,	Geo. S. Wilson,
F. E. Graves,	John C. Pirtle,	J. Hal. Woodford
John P. Haswell, Jr.	**J. F. Porter,**	---80

The House took up for consideration from the Orders of the Day a bill entitled;

S. B. 149. An act to amend an act entitled, An act to regulate the sale of intoxicating liquors by wholesale in this Commonwealth, which was approved March 22, 1904, and amended by an act approved March 21, 1906.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§1. That section 1 of an act to regulate the sale of intoxicating

liquors by wholesale in this Commonwealth, which was approved March 22, 1904, and amended by an act approved March 21, 1906, be, and the same is hereby amended, by adding the word manufacture, and in the fifth line of said act as printed in the act of 1906, the following words, to-wit: "To a wholesale dealer or a licensed retail dealer;" so that said act as amended shall read as follows:

"§ 1. It shall be unlawful to sell by wholesale any spirituous, vinous, malt or other intoxicating liquors, regardless of the name by which it is called, (except) manufacturers selling liquors of their own make, at the place of manufacture to a wholesale dealer or a licensed retail dealer in any county, district, precinct, town or city where the sale of such liquors has been prohibited by special act of the General Assembly or by vote of the people under the local option act. Any person violating this act shall be deemed guilty of violating the local option law and shall be subject to a trial and punishment according to the provisions of same and its amendments."

Ordered That said bill be read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as folows, viz:

Those who voted in the affirmative were—

A. A. Allphin,	John P. Haswell, Jr.	G. L. Perryman,
Robert H. Anderson,	W. W. Hopkins,	John C. Pirtle,
O. P. Applegate,	R. Dillard Hunter,	J. F. Porter,
Louis W. Arnett,	F. M. Hutcheson Jr.	R. S. Rector,
J. W. Berkshire,	R. F. Hutchinson,	G. T. Reynolds,
P. W. Berksh[illegible]e,	W. Harrison Isaacs,	Isaac G. Rice,
F. Pierce Blair,	J. H. Jackson,	Gus W. Richardson,
O. Houston Brooks,	W. J. Jackson,	H. A. Schoberth,

Frank J. Brown,
W. N. Brown, Jr.,
J. T. Buford,
Albert Butler,
C. C. Chase,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
John Feland,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
C. W. G. Hannah,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McCord,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Garfield Moore,
Chris. Mueller,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
W. V. Perry,
W. H. Shanks,
John T. Shanklin,
Albert S. Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
J. A. Sullivan,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson
J. Hal Woodford,

—88

Resolved, That the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled;

S. 193. An act to amend section 19 of article 4 of an act entitled, An act for the government of cities of the second class in the Commonwealth of Kentucky approved by the Governor, March 19, 1894, and being section 3076 Kentucky Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 19, of article 4, of an act, entitled "An act for the government of cities of the second class, in the Commonwealth of Kentucky," approved by the Governor March 19, 1894, and being section 3076, Kentucky Statutes, be, and the same is hereby, amended by striking therefrom the words, "fifty dollars, nor more than one hundred and fifty dollars," and inserting in lieu thereof, the words "one hundred dollars, nor more than five hundred dollars;" so that said section when so amended shall read as follows:

"§ 19. The general council shall have power to authorize, by ordinance, the proper officers of the city to grant and issue licenses, and to direct the manner of issuing and regulating the same, and the fees and charges to be paid therefor, except as hereinafter provided. No licenses shall be granted for more than one year, except at public letting, and not less than $3.00 shall be charged for a license under this charter, or any ordinance, and the fees for issuing the same shall not exceed $1.00, and all such fees shall belong to the city. All licenses for the sale of liquors at retail shall be issued by the city clerk, and in accordance with such regulations as may be prescribed by ordinance of the general council; and the general council, at the first meeting after this act takes effect, shall provide such regulations by ordinance, also fixing the rate of license, but such rate shall be uniform as to all licenses for the sale of liquors at retail, and shall not be less than $100 nor more than $500."

Ordered, That said bill be read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz:

Those who voted in the affirmative were—

O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
Frank J. Brown,
W. N. Brown, Jr.,
J. T. Buford,
Albert Butler,
C. C. Chase,
J. Will Clay,
H. K. Cole,
W. A. Cope,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
W. W. Hopkins,
F. M. Hutcheson Jr.
W. Harrison Isaacs,
J. H. Jackson,
W. J. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
A. T. Knox,
E. W. Lillard,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
Emanuel Meyer,
Jesse F. Nichols
G. W. Parrott,
G. L. Perryman,
J. F. Porter,
R. S. Rector,
Gus W. Richardson,
H. A. Schoberth,
Albert S. Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
John S. Steers,
W. H. Strange,
J. W. Stump,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal. Woodford,

—62

Those who voted in the negative were—

G. T. Reynolds,

Resolved, That the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 181. An act to amend Chapter 18 of the acts of 1906 entitled, An act creating and establishing a Board of Commissioners

to be known as the Kentucky State Board of Control for Charitable Institutions and prescribing its duties and powers.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1 of an act creating and establishing a Board of Commissioners, to be known as the Kentucky State Board of Control for Charitable Institutions, and prescribing its duties and powers, be amended as follows: "So much of said section 1, beginning with the words, 'said board shall consist of three members, to be appointed by the Governor,' and ending with the words, 'and thereafter the term of the successors shall be four years from said date,' be stricken out and in lieu thereof there shall be inserted in said section the following words: 'Said board shall consist of four members, to be appointed by the Governor, by and with the consent of the Senate, for a term of four years, or until their successors are appointed and qualified: Provided, That two members of said board shall always be selected from the political party which polled the largest number of votes in the last preceding State election before said appointment is made, and two members from the political party which polled the next largest number of votes in said preceding election. The purpose of the change in the statute is to make the said Board of Control bi-partisan, and it appearing that as constituted at this time said Board of Control consists of two Democrats and one Republican. Now to carry into effect the purposes of this change in the Statutes the Governor is hereby empowered to appoint one additional member of said board, who shall be a Republican, that party having polled the greatest number of votes in the last preceding general State election, and whose term of office shall expire on the first day of January, 1911, and thereafter the term of his successor shall be for four years from said first day of January, 1911."

Said section of said act as amended shall read as follows: "That a Board of Commissioners is hereby created, to be known as the Kentucky State Board of Control for Charitable Institutions, to manage and govern the three asylums for the insane, and the Feeble-Minded Institute, at Frankfort. Said board shall consist of four members, to be appointed by the Governor, by and with the advice of the Senate, for a term of four years, and until their successors are appointed and qualified: Provided, That two members of the said board shall always be selected from the political party which polled the largest number of votes in the last preceding State election, before said appointment is made and two members from the political party casting the next largest number of votes in the last preceding election. The purpose of the change in the Statute is to make said Board of Control bi-partisan, and it appearing that as constituted at this time said Board of Control consists of two Democrats and one Republican, now to carry into effect the purpose of this change in the Statutes the Governor is hereby empowered to appoint one additional member of said board, who shall be a Republican, and whose term of office shall expire on the first day of January, 1911, and thereafter the term of his successor shall be four years from the first day of January, 1911. No person shall be appointed as a member of the board who has not reached the age of 25 years, or who has not been a citizen of the State for the last five years preceding his appointment. Before entering upon the discharge of his duties each commissioner shall take the oath of office required of other State officers, a record of which shall be entered upon the executive journal in the Governor's office, and he shall execute a bond to the Commonwealth of Kentucky in the sum of twenty-five thousand ($25,000) dollars for the faithful discharge of his duties, which bond, to be sufficient, must be approved by the Governor and filed in the office of the Secretary of the State. The Governor may, when the Senate is not in session, make removals of the members of the board for cause, to be stated in writing, and may fill vacancies in the board, subject to the approval of the Senate when it convenes, and in any case of removal

the Governor shall submit the facts and reasons to the Senate for its approval, and the Senate shall have power to reinstate such person removed."

§ 2. That the said act be amended as follows:

Section 6 shall be so amended as to read: "The fiscal year of the institutions shall begin July first and close June thirtieth, and the superintendent and the Board of Control shall in the month of July, 1909, and bi-ennially thereafter, make a report to the Governor of the condition of the institutions under their charge, exhibiting the amount of income and expenditure, and from what source the income was received and for what use the expenditure was made, and the number of inmates received and discharged, or left during the year, with such other facts and suggestions as they may deem important, which report the Governor shall communicate to the Legislature at its next regular session."

And that said act be further amended as follows:

Section 9 shall be amended to read as follows: "The Board of Control shall keep the buildings and furniture of the institutions constantly insured, and the amount of premium on each insurance shall be certified to the Auditor by the President and Secretary of the Board of Control, and thereupon the Auditor shall draw his warrant for the amount of such premiums, payable to the persons shown to be entitled to the same by such certification."

And that said act shall be further amended as follows:

Section 10 shall be amended by substituting the word "received" for the word "steward," in the latter part of said section, so that said section as amended shall read: "The superintendent shall examine all claims and accounts against their respective institutions and report any fact or circumstances indicating any irregularity, fraud or wrong to the Board of Control; and if they have any doubt of the justice or legality of any claim they may require both

the superintendent and receiver to endorse their opinions in writing on the back thereof; and it shall be the duty of said officer to endorse any claim when required by the board to do so; and the Board of Control shall not direct any claim, or part thereof, to be paid until they are satisfied from such investigation as may be necessary that the same is just, legal and right; and no claim of any kind shall be paid, in whole or in part, whether presented by an officer of the institution or other person until it first shall have been examined and approved by the receiver and submitted to the Board of Control and determined by them to be just and right and directed to be entered upon the records of its proceedings; and the president shall not issue any warrant upon the Auditor of Public Accounts except for the amount of claims which have been so submitted to the board, allowed by it and ordered to be paid."

And the said act shall be further amended as follows: Section 14 shall be amended by adding at the end of said section the words: "And the said Board of Control shall have the power to employ counsel and to institute or defend such actions as in their judgment may be necessary or proper to carry into effect the purposes of this act," so that said section, as amended, shall read as follows:

"Where the patients have been, or may be, supported in any of the institutions embraced in the provisions of this act have, or shall acquire estates which can be subject to debt, the Board of Control is authorized and directed in every such case to sue for in the name of such institution and recover the amount of such patient's board at the rate of one hundred and fifty dollars per year, or so much thereof as such estate will suffice to pay for the time they shall have been respectively kept and maintained therein, and not otherwise paid for, and by proper proceedings to subject their estates, respectively, to payment thereof; and when the husband, wife or parent of any such patient, who has been, or may be, supported in either of said institutions shall have an estate sufficient for the support of such patient, in addition to the support of any other who

may be dependent on such husband or parent, in like manner to sue for and recover from such husband the amount of his wife's board, and from such parent the amount of his or her child's board, at the rate aforesaid, for the time they shall have been supported by such institution. The net sums realized in such suits shall be paid over to the State Auditor and covered into the State Treasury. In case of failure of suits the expense thereof shall be certified by the chairman of the Board of Control to the State Auditor, who shall provide for its payment out of the State Treasury. And the said Board of Control shall have the power to employ counsel and to institute or defend such actions as in their judgment may be necessary or proper to carry into effect the purpose of this act."

And the said act shall be further amended as follows: Section 29 shall be amended so that said section, as amended, shall read as follows: "Under no circumstances shall it be permitted that, by the reception of pay patients from other States, the asylum be so crowded that any delay shall be incurred in the immediate reception of patients resident in this Commonwealth, either paying or pauper, and no person who has not been found to be insane, by regular inquest, shall be received into either asylum. Nor shall any patient be discharged as cured unless by the authority of the superintendent. Any cured patient who was admitted to the asylum while in custody of the law upon a criminal charge shall be delivered to the keeper of the penitentiary or to the jailer of the county whence he came, as the case may require. A cured pauper, before being discharged, shall have a good suit of clothes and be furnished with money enough to pay his traveling expenses back to home, not exceeding twenty dollars. The Board of Control shall charge for board paying patients the sum of one hundred and fifty dollars per annum, but the superintendent may be permitted to charge the committee or friend of paying patient an amount not exceeding $5 per week for special attention." And the said act shall be further amended as follows: Section 8 shall be amended so that said section, as amended, shall read as follows:

"The Board of Control and the Superintendent of each institution named in this act shall, at the end of each month, jointly certify to the Auditor of Public Accounts the number of inmates actually supported by the institution, specifying the number who do not pay anything, the number who pay in full, and the number who pay in part, and the amount so paid; and in no event shall the amount paid to any institution exceed one hundred and fifty dollars per annum for each pauper patient supported by said institution."

And the said act shall be further amended as follows: By adding to section 13 the following words:

"And the said board shall have power to expend in their discretion any surplus standing to the credit of said institution from time to time, in carrying out the purposes of this act; and in so doing they may use such surplus at any of the institutions under their control without reference to the fact that such surplus may have arisen at another institution," so that said section, as amended, shall read as follows:

"Said Board of Control shall have full power at all times to look into and examine the condition of the several institutions of the State, heretofore mentioned, financially or otherwise, to inquire and examine into the government and management of their inmates, the official conduct of the officers and employes of same, the condition of the buildings, grounds and other property connected therewith, and in all other matters pertaining to their usefulness and good management, and for these purposes they shall have free access to the grounds, buildings, and all books and papers relating to said institutions, and all purposes now or hereafter in any manner connected with the same are hereby directed and required to give such information and afford such facilities for inspection as said commissioners may require, and any neglect or refusal on the part of any officer or person connected with such institution to comply with the provisions of this section shall subject the offended to a penalty of two hundred and fifty dollars, to be sued for and collected by said

commissioners in their name of office. Said commissioners shall have full and complete management and control over all asylums for the insane and feeble-minded institutes of the Commonwealth of Kentucky that are now or may be hereafter established. Said board shall prescribe rules and regulations for the government of said institutions, for the proper maintenance and treatment of patients, for the preservation of buildings and grounds, for the use and cultivation of farms and gardens, and the sale of surplus produce, the purchase of clothing, food, medicine and all supplies needful to same, and such rules and regulations as prescribed shall be faithfully observed by all the officers and employes of said institution, and have power to remove inmates from one asylum to another, And the said board shall have power to expend in their discretion any surplus standing to the credit of said institution, from time to time, in carrying out the purposes of this act; and in so doing they may use such surplus at any of the institutions under their control without reference to the fact that such surplus may have arisen at another institution."

§ 3. Inasmuch as the interest of the charitable institutions of the State require that prompt action be had in the organization of the commission having control of them, an emergency is declared to exist, and this act shall take effect from its passage.

Mr. Klair offered the following amendment to said bill:

Strike out section 3.

Said amendment was agreed to.

Mr. Haswell offered the following amendment to said bill by way of substitute therefor:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a board of commissioners is hereby created to be

known as the Kentucky State Board of Control for Charitable and Penal Institutions, to manage and govern the three asylums for the insane, the Feeble Minded Institute at Frankfort, the penitentiary, the branch penitentiary and the house of reform. Said board shall consist of four members to be appointed by the Governor, by and with the advice and consent of the Senate, for a term of four years and until their successors are appointed and qualified, except when this act shall go into effect, the four Commissioners first appointed shall hold their offices for terms of the following lengths, to-wit: They shall begin their terms on the first day of July, 1908, and the terms of the first two members shall expire on the thirtieth day of June, 1912, and thereafter the terms of their successors shall be for four years: Provided, That appointments to fill vacancies created from any cause, other than expiration of term, shall be made from the unexpired portion of such term only. Two of said members shall belong to, and be generally recognized as members of, the political party which cast the largest vote for Governor in the election next preceding their respective appointments and two of said members shall belong to, and be generally recognized as members of, the political party which cast the second largest vote for Governor in the election next preceding their respective appointments. Provided, that in making the first appointment, not more than one of the short term members shall be from the same political party. All other officers and employes of said institution shall be in like manner equally divided between the leading political parties in such manner as to equalize salaries paid to each group of officers and employes. And neither shall any member of said board, nor any officer of said board or of either of said institutions, serve on any political committee and any person offending in this regard shall forfeit, and be removed fom his office or place.

No person shall be appointed a member of said board who has not reached the age of twenty-five years, or who has not been a citizen of the State for the last five years preceding his appoint-

ment. Nor shall any person be appointed who is a contractor, or who is interested, either directly or indirectly, in any kind of branch of business in said penitentiary; and no such commissioner shall be interested, directly or indirectly, in any contract with either of the institutions under control of the board, or who holds any other office.

Before entering upon the discharge of his duties, each commissioner shall take the oath of office required of other State officers, a record of which shall be entered upon the Executive Journal in the Governor's office, and he shall execute a bond to the Commonwealth of Kentucky in the sum of twenty-five thousand dollars ($25,000) for the faithful discharge of his duties, which bond must be approved by the Governor and filed in the office of the Secretary of State before the commissioner is authorized to enter upon the duties of his office.

The Governor may, when the Senate is not in session, make removals of the members of the board for cause, to be stated in writing, and may fill vacancies in the board pending a meeting and action by the Senate. In any case of removal the Governor shall submit the facts and reasons to the Senate for its approval, and the Senate shall have power to reinstate such removed person, to be effective from the date of such reinstatement; but such reinstatement shall not extend beyond the term of which he was appointed.

§ 2. The board shall be a body politic and corporate and have the right to sue and be sued, contract and be contracted with, and is invested with all the powers necessary to carry into full effect the purposes of its establishement. The present board of commissioners known as the Kentucky State Board of Control for Charitable Institutions and the Board of Penitentiary Commissioners, as now existing under law, are hereby abolished and all the powers and duties now devolving upon said boards in reference to the institutions named in the first section of this act are now placed

in the hands of the Kentucky State Board of Control for Charitable and Penal Institutions as created in the first section hereof, in addition to other powers and duties given under this act.

All laws and parts of laws now existing in relation to the provisions and purposes of this act are hereby repealed; and the management and control of the said institutions in conflict with the present laws relating to them, so far as they are not incompatible with the provisions of this act, are continued in full force and effect. All the powers and duties of the Kentucky State Board of Control for Charitable Institutions and of the Board of Penitentiary Commissioners, not otherwise provided in this act, are hereby transferred to and conferred upon the Kentucky State Board of Control of Charitable and Penal Institutions and any penalties provided by law against the members of either of said board shall apply to and be enforcible against the members of the Kentuky State Board of Cotrol for Charitable and Penal Institutions.

§ 3. The Kentucky State Board of Control for Charitable and Penal Institutions shall elect one of its members president and one of them secretary and each member shall receive as compensation for his services a salary of Three Hundred Dollars ($300.00) per year, payable monthly, out of the State Treasury, as now paid to other State officers, and their necessary and reasonable traveling expenses when necessarily away from their office on official business, which expenses shall be itemized and approved by the board and certified to the Auditor of Public Accounts who, if he finds the same correct, shall draw his warrant on the Treasury for the payment thereof. The board shall elect a bookkeeper and a stenographer, who shall hold their office at the pleasure of the board and the bookkeeper shall receive for his services an annual salary of twelve hundred dollars ($1,200.00) and the stenographer shall receive an annual salary of six hundred dollars ($600.00), payable monthly out of the Treasury as salaries of other State officers are paid.

All laws providing for the payment of a salary to the secretary of the Kentucky State Board of Control for Charitable Institutions and of the Board of Penitentiary Commissioners and all laws for the payment of salaries to the treasurers of the insane asylums or of the Feeble-Minded Institute are hereby repealed.

An office shall be provided for the board at the Capitol and each member shall remain in Frankfort all the time, when not necessarly away on official business or on written leave of absence granted by the Governor. The board shall adopt such by-laws and regulations for the transaction of its business and the management of its affairs and the affairs of the institutions under it as it may consider expedient and which are not inconsistent with law. The board shall hold regular meetings at each of the institutions under its control, at least once in every three months and oftener if the interests of the institutions shall require and shall make a minute and thorough examination of the affairs, management, property, supplies, clothing, condition of buildings, grounds, patients and convicts, and the conduct of each official and employe of said institutions, together with an investigation of the kind and quantity of food provided, the treatment of patients and convicts and the sanitary condition of the premises, of which they shall make a complete record. Meetings may be called by the president or any two commissioners. They shall maintain a vigorous inspection of such institutions and ascertain whether the moneys appropriated for their aid have been legally, judiciously and economically expended and whether the objects of the several institutions are being properly accomplished and the laws in relation to same fully complied with.

The fiscal year of each institution shall begin of the first day of July and the close on the thirtieth day of June, and the superintendent of the insane asylums, the Feeble-Minded Institute and the houses of reform, shall, not later that the thirtieth of August in each year, make reports to the board in such form and covering

such matters as the board may direct, and the board shall, not later than the thirty-first of October, in each year, make a report to the Governor of the condition of the institutions under its charge, for the period ending on the thirtieth of the preceding June, exhibiting the amount of income and expenditure and from what source the income was received and for what use the expenditure was made, the number of inmates received and discharged, or left during the year, the number of deaths and the cause thereof, and som other facts as the Governor may require of the board deem proper to impart, which report the Governor shall communicate to the Legislature at its next regular session.

§ 4. The board shall keep, in a well bound book provided for that purpose, a full and complete record of all its purchases and of their distribution to the several institutions, the receipts of all moneys and on what account and for what purpose, the expenditure of all moneys and to whom and for what paid out, complete accounts with all persons having dealings with the institutions or the board including receipts of moneys for labor performed or material sold, and of payments made, or ordered to be made, by the State Treasurer, and such other items as may be necessary to a complete record of the things done, bought, sold, or otherwise procured or disposed of. The books and papers of the board and of the several institutions shall always be open to the inspection of the board, or any member thereof, the Governor, a committee of the Legislature, or any person appointed by the Governor, the Legislature or the board for their examination. The board shall require the superintendents, assistant physicians, stewards, receivers, secretaries, matrons, wardens, deputy wardens, butlers, clerks and guards, before entering upon their duties, to each take and subscribe to an oath to well and truly discharge the duties of their respective offices which oaths shall be filed with the board and entered upon its records.

§ 5. The board is authorized to draw upon the Auditor of

Public Accounts monthly for such sums of money as are necessary to run said institutions, including the salaries due all officers and employes. Said order shall specify the purposes for which the expenditures was made and the amount and the persons to whom to be paid. The order shall be signed by the president of the board and attested by its secretary and shall not be issued except by order of the board entered of record, specifying the amount and the purposes for which the expenditure was made and to whom. When such order is received by the Auditor of Public Accounts he will draw his warrant on the State Treasury in favor of the persons specified in said order, specifying for what purpose the money is to be used and attaching to the warrant the order of the board or a copy thereof; and the State Treasurer shall, out of the money in the State Treasury not otherwise appropriated, pay said warrants by drawing his check payable to each person for the amount due him as stated in the order of the board. Said orders and warrants shall be carefully preserved as vouchers.

§ 6. The superintendent of each insane asylum and of the Feeble Minded Institute and of the houses of reform shall, at the end of each month, jointly with the board, certify to the Auidtor of Public Accounts the number of inmates actually supported by their respective institutions, specifying the number who do not pay anything, the number who pay in full, and the number who pay in part, and the amount so paid; and in no event shall the amount paid to any of the institutions mentioned in their section exceed one hundred and fifty dollars per annum for each inmate, exclusive of specific appropriations made by the Legislature. All moneys received by any of the institutions mentioned in this act for labor performed, supplies or material sold, for pay patients, or from any other source, shall be paid into the State Treasury monthly and all salaries, expenses and other expenditures on account of said institutions shall be paid from the State Treasury direct to the parties rendering the service for furnishing the supplies and materials on

the order of the board provided for in section five of this act. Provided, That the amounts paid on account of the insane asylums, the Feeble-Minded Institute and the houses of reform shall not exceed one hundred and fifty dollars per annum for each inmate maintained at these institutions and the specific appropriations made for them respectively by the Legislature.

§ 7. The board shall keep the buildings, furniture, fixtures and supplies of the institutions constantly insured, and the amount of premium on each policy shall be certified to the Auditor of Public Accounts by the president and secretary of the board and thereupon the Auditor of Public Accounts shall draw his warrant upon the State Treasury for the amount, payable to the agent writing the insurance.

§ 8. The board shall have power to appoint at each of the three insane asylums a superintendent, a first, second and third physician, each of whom shall be a skillful and competent physician, entitled to practice medicine under the laws of this State and who shall have practiced his profession at least three years, and a steward; and at the feeble-minded institute a medical superintendent, with the same qualifications as the physicians of an insane asylum, and a steward, and at each of the penitentiaries a warden, a deputy warden, a superintendent of cell houses, a butler, a superintendent of the hospital, reading room and chapel, a clerk, a competent and skillful physician, a chaplain and not exceeding one guard for every twenty-five persons confined in such penitentiaries; and at the houses of reform a superintendent, a physician who shall also teach physiology, hygiene and other branches in the school in said institution, matron and such subordinate officers and employes as the board may deem necessary.

§ 9. The salary of the superintendent of the houses of reform shall be fiften hundred dollars ($1,500.00) per annum, the salary of the matron shall be six hundred dollars ($600.00) per annum,

the salary of the physician shall be one thousand dollars ($1,000) per annum, the salary of the superintendent of cell houses shall be one thousand ($1,000) per annum, the salary of the superintendent of the hospital, reading room and chapel shall be one thousand dollars ($1,000) per annum, and the salary of the butler shall be one thousand dollars ($1,000) per annum, to be paid monthly out of the State Treasury as other State officers are paid.

§ 10. The duties of the Superintendent of cell houses shall be:

First. He shall examine the locks and doors and cells of the penitentiary and keep them constantly in repair.

Second. He shall carefully inspect all cells to see that no weapons or other improper articles are concealed therein.

Third. He shall see that each convict is in his cell at the time required.

Fourth. He shall see that the cells and halls are kept clean and in a sanitary condition at all times.

Fifth. He shall perform such other duties as may be required of him by the board or the warden.

The superintendent of the hospital, reading room, and chapel shall have charge of, and exercise general suprvision over these departments. He shall, subject to the instructions of the physicians, keep the hospital, the beds, linens, furniture and fixtures in good order and in a clean, sanitary condition at all times. He shall be a graduate in medicine and shall have charge of the drugs kept in the penitentiary and shall compound and dispense same under directions from the physicians. He shall see that the reading room and chapel are kept in a clean, healthful condition and in good order, and that all books belonging to the library are preserved and kept in their proper places.

The butler shall have general charge and supervision over the dining room and kitchen. He shall issue provisions to be cooked,

shall see that they are properly cooked and served and that nothing is wasted. He shall receive provisions when delivered to the penitentiary, shall weigh, count or measure same and enter the various items on his books under proper heads. He shall weigh, count or measure them when turned over to the cook and shall keep an account thereof. The superintendent of the cell houses and the hospital, reading room and chapel and the butler shall each give bond to the Commonwealth in the sum of five thousand dollars ($5,000) for the faithful performance of their duties, which bonds shall be approved by the board and deposited with the Secretary of State.

§ 11. The board may embrace all the institutions in its purchase of supplies for same, or it may purchase supplies for each separately; but when a purchase of supplies exceeding five hundred dollars is contemplated, the board shall, by advertisement, invite bids on furnishing said supplies and accept the lowest and best bidder to furnish same; and the various bids, with the names of parties making same, and copies of the advertisements under which they were made, shall be preserved by the board as part of the records of office.

§ 12. The wardens of the penitentiaries and the superintendents of the houses of reform and of the insane asylums shall have the power to purchase necessary, incidental and emergency supplies for their respective institutions, subject to the approval of the board, to whom they shall render a monthly itemized statement, giving the facts and circumstances of each expenditure.

§ 13. The powers and duties conferred by chapter twenty-six (26) of the Acts of 1900 upon the State Board of Fire Commissioners in relation to the parole of convicts are hereby transferred to and conferred upon the Kentucky State Board of Control for Charitable and Penal Institutions and this board shall have the same powers and be subject to the same conditions and limitations as was the board named in this act.

§ 14. Chapter eighty-six (86) of the Acts of 1906 authorizing the appointment of two assistant deputy wardens at each penitentiary and so much of sections four (4) and five (5) chapter four (4) of the Acts of 1898 (being sections 3798 and 3799 of the Kentucky Statutes, edition of 1903) as authorized the wardens of the penitentiaries to deposit moneys in their hands to their own credit in bank and to use any such moneys for any purpose and as authorized said wardens to contract for or purchase necessary raw material and supplies necessary to maintain, conduct or carry on the business of the penitentiaries are hereby repealed; it being the purpose of this act to have all moneys paid into the State Treasury and all claims, on account of any of the institutions covered by this act, paid direct from the Treasury, and that all purchases except contingent and emergency supplies shall be purchased, except contingent and emergency supplies shall be purchased by the board.

§ 15. The Governor shall appoint for each institution named in the first section of this act a visiting committee of four who shall make monthly visits to their respective institutions and shall report to the Governor their condition and recommend such improvements as they may think wise. Said visiting committee shall be appointed from the county in which the institution they are to visit is located; they shall be sober, discreet, householders and not more than two of them shall belong to the same political party; they shall hold their offices for terms of four years and until their successors are appointed, unless sooner removed by the Governor. They shall receive no compensation for their services but shall receive their actual and necessary expenses while visiting and inspecting said institutions to be paid out of the State Treasury upon vouchers made out by them and approved by the board.

§ 16. Inasmuch as the members of the board are to be appointed by and with the advice and consent of the Senate and because it is deemed expedient that these institutions be under the

control of a single board, an emergency is declared to exist and this act shall take effect from and after its passage.

The Speaker pro tem., ruled that said substitute amendment was not in order for the reason that it not germane to the original bill.

Mr. Klair moved the previous question on said bill.

The speaker stated, shall the main question be now put? And the question being taken thereon was decided in the affirmative.

Mr. Haswell moved that the House do now adjourn.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Haswell and S. A. Smith were as follows, viz.:

Those who voted in the affirmative were—

O. P. Applegate,	C. W. G. Hannah,	Emanuel Meyer,
F. Pierce Blair,	Robert L. Harris,	H. L. Myers,
W. N. Brown, Jr.	John P. Haswell, Jr.	G. W. Parrott,
Albert Butler,	R. F. Hutchinson,	C. C. Patrick,
C. C. Chase,	W. Harrison Isaacs,	G. L. Perryman,
H. K. Cole,	T. C. Jackson,	R. S. Rector,
W. A. Cope,	W. H. Jones,	Isaac G. Rice,
Denver B. Cornett,	W. L. Kimbrough,	John T. Shanklin,
John T. Davis,	Cleves G. Kinkead,	J. A. Sloan,
W. A. B. Davis,	A. T. Knox,	Sawyer A. Smith,
Henry H. Denham,	A. T. Lee,	R. E. Stewart,
Thurman B. Dixon,	E. W. Lillard,	W. H. Strange,
J. A. Duff,	Jasper D. Lowder,	John P. Wallace,
W. F. Edmunds,	Wm. S. Markolf,	Harry Weitkamp,
Thos. E. Finley,	J. B. Maynard,	W. C. Wynn 46
R. G. Gwathmey,		

Those who voted in the negative were—

A. A. Allphin,	R. Dillard Hunter,	W. H. Shanks,

Robert H. Anderson,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
J. Will Clay,
Dr. C. F. Crecelius,
Wm. E. Dowling,
Robert Enlow,
John Feland,
F. E. Graves,
W. W. Hopkins,
F. M. Hutcheson Jr.
J. H. Jackson,
W. F. Klair,
Hugh Mahin,
W. C. McChord,
Duncan Milliken,
Chris Mueller,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
Gus W. Richardson,
H. A. Schoberth,
S. Albert Shanklin,
Robert C. Simmons,
John L. Smith,
John S. Steers,
J. W. Stump,
J. B. Swann,
Eugene W. Tandy.
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
E. E. Wash,
W. R. Whitlow,
Geo. S. Wilson,
J. Hal. Woodford,-47

Ordered, that said bill be read the third time:

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title, and placed upon its passage.

The yeas and nays being taken on the passage of the bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Robert H. Anderson,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
J. Will Clay,
Dr. C. F. Crecelius,
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson, Jr.
J. H. Jackson,
W. F. Klair,
Hugh Mahin,
W. C. McCord,
Duncan Milliken,
Chris Mueller,
Jesse F. Nichols,
A. C. Oliver,
H. A. Schoberth,
W. H. Shanks,
S. Albert Shanklin,
Robert C. Simmons,
John L. Smith,
John S. Steers,
J. W. Stump,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,

Wm. E. Dowling,	W. V. Perry,	Geo. C. Waggoner,
W. F. Edmunds,	John C. Pirtle,	E. E. Wash,
Robert Enlow,	J. F. Porter,	W. R. Whitlow,
John Feland,	G. T. Reynolds,	Geo. S. Wilson
F. E. Graves,	Gus W. Richardson,	J. Hal. Woodford,

-- 48

It appearing from said roll call that there is no quorum present, Mr. Klair moved that the House do now adjourn.

Said motion was agreed to.

EVENING SESSION.

At 7:30 o'clock, p. m., the House met pursuant to resolution adopted at the forenoon session.

Mr. Klair moved that the House do now adjourn until 8:30 o'clock a. m. tomorrow morning.

Said motion was agreed to.

TUESDAY,, MARCH 17, 1908.

The House was opened with prayer by Rev. George C. Waggoner, Representative in the House from Henry county.

Hon. George S. Wilson, Speaker pro tem, presiding.

(See Journal of Saturday, March 14th.)

The reading of the Journal of Saturday's proceedings was dispensed with.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 79. An act to amend section 2 of an act entitled, An act to regulate burial associations, corporations and companies, doing business in the State of Kentucky, which act became a law March 24, 1906, without the approval of the Governor.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2 of an act entitled "An act to regulate burial associations, corporations and companies doing business in the State of Kentucky," to be amended so as to read:

"§ 2. Said corporations, associations, societies or individuals, shall deposit with the Treasurer of the Commonwealth, double the amount of the aggregate face value of all policies, bonds or certificates issued by such corporations, associations, societies or individuals.

"Such funds shall be invested in securities in which insurance companies are allowed by law to invest their capital, same to be deposited in trust, with the Treasurer of this Commonwealth; but said corporations, associations, societies or individuals shall have at all times, on approval of the insurance commissioner, the right to exchange any part of said securities for others of like amounts or character.

"When such corporation, association, society or individual shall discontinue business, or when for any cause a dissolution shall be decreed, or when for sixty days any judgment shall remain unsatisfied, a circuit judge in any county wherein said corporation, association, society or individual has transacted business, may appoint a receiver to distribute its assets among its policy holders, or any

persons having claims against said corporation, association or company; the same to be applied first, on accrued or matured claims, certificates or policies; second, on claims of any other kind or character; third, in the payment to members all dues paid in by them, and if a balance remains after the payment of above named claims, then such sum is to be returned to said corporation, association, society or individual.

"Any corporation, association, society or individual engaging in the business of insuring or guaranteeing the burial or burial expenses of persons, who shall fail to comply with the provisions of this act, shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred nor more than five hundred dollars, and each day they shall so engage in said business, shall be a separate offense."

Mr. Milliken offered the following amendment to said bill:

Amend S. B. 79 by adding after the word "offense" in section 2 line 33, the following: Provided, however, that the provision of this act shall not apply to any corporation, association or company that has no capital stock, that pays no salaries or commissions to officers, and whose whole resources, except necessary expenses, are devoted to paying funeral expenses of its members.

Said amendment was agreed to.

The yeas and nays being required thereon by Messrs. Milliken and Hannah, were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,	R. F. Hutchinson,	John C. Pirtle,
J. W. Berkshire,	W. Harrison Isaacs,	R. S. Rector,
F. Pierce Blair,	J. H. Jackson,	G. T. Reynolds,
Frank J. Brown,	W. J. Jackson,	Gus W. Richardson,
W. N. Brown, Jr.,	W. H. Jones,	John T. Shanklin,
J. T. Buford,	W. L. Kimbrough,	S. Albert Shanklin,
H. K. Cole,	A. T. Knox,	J. A. Sloan,

John T. Davis,	A. T. Lee,	Sawyer A. Smith,
W. A. B. Davis,	Jasper D. Lowder,	R. E. Stewart,
Henry H. Denham,	Hugh Mahin,	J. W. Stump,
J. A. Duff,	Wm. S. Markolf,	J. B. Swann,
W. F. Edmunds,	J. B. Maynard,	D. P. Taggart,
Robert Enlow,	W. C. McChord,	Eugene W. Tandy.
Thos. E. Finley,	H. L. Myers,	C. S. Templeman,
R. G. Gwathmey,	Duncan Milliken,	Wm. M. Thompson,
John P. Haswell, Jr.	C. C. Patrick,	John P. Wallace,
W. W. Hopkins,	W. V. Perry,	W. R. Whitlow,
R. Dillard Hunter,	G. L. Perryman,	W. C. Wynn,—54

Those who voted in the negative were—

Robert H. Anderson,	T. C. Jackson,	Robert C. Simmons,
O. P. Applegate,	W. F. Klair,	John L. Smith,
Louis W. Arnett,	Cleves G. Kinkead,	John S. Steers,
Elliott B. Beard,	E. W. Lillard,	Geo. C. Waggoner,
C. C. Chase,	Emanuel Meyer,	E. E. Wash,
J. Will Clay,	Jesse F. Nichols,	Harry Weitkamp,
Thurman B. Dixon,	H. A. Schoberth,	Geo. S. Wilson,
F. E. Graves,	W. H. Shanks,	J. Hal Woodford,
C. W. G. Hannah,		—25

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title, and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution, were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,	John P. Haswell, Jr.	John C. Pirtle,
Robert H. Anderson,	W. W. Hopkins,	R. S. Rector,
O. P. Applegate,	R. Dillard Hunter,	G. T. Reynolds,
Louis W. Arnett,	F. M. Hutcheson Jr.	H. A. Schoberth,

Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
C. C. Chase,
J. Will Clay,
H. K. Cole,
Denver B. Cornett,
Dr. C. F. Crecelius,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
J. A. Duff,
W. F. Edmunds,
John Feland,
Thos. E. Finley,
R. L. Gwathmey,
R. F. Hutchinson,
J. H. Jackson,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken
Samuel J. Patrick,
W. V. Perry,
W. H. Shanks,
S. Albert Shanklin,
Robert C. Simmons,
John L. Smith,
John S. Steers,
R. E. Stewart,
J. W. Stump,
J. B. Swann,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,
J. Hal Woodford,
---68

Those who voted in the negative were—

F. Pierce Blair,
C. W. G. Hannah,
W. Harrison Isaacs,
W. F. Klair,
A. T. Lee,
G. L. Perryman,
Gus N. Richardson,
John T. Shanklin,
J. A. Sloan,
Sawyer A. Smith,
---10

Resolved, that the title thereof be as aforesaid.

A message was received from the Governor announcing that on March 16th, 1908, he had approved and signed a bill which originated in the House of Representatives, entitled:

H. B. 140. An act for the benefit of the three educational institutions, viz: State University, Eastern Kentucky State Normal School and Western Kentucky State Normal School, appropriating money for necessary buildings, furnishing necessary equipment, purchasing necessary grounds, providing additional revenue for the main-

tenance of each of said institutions, and amending the laws with reference thereto.

The House took up for consideration the unfinished business from yesterday, to-wit: a bill entitled:

S. B. 181. An act to amend Chapter 18 of the acts of 1906, title, An act creating and establishing a Board of Commissioners to be known as the Kentucky State Board of Control for Charitable Institutions, and prescribing its duties and powers.

(For bill see yesterday's Journal.)

Mr. Klair moved to reconsider the vote by which said bill was ordered to be read a third time.

Said motion was agreed to.

Mr. Klair moved to reconsider the vote by which the amendment offered by him on yesterday to said bill was agreed to.

Said motion was agreed to.

By unanimous consent of the House, Mr. Klair withdrew said amendment.

Mr. Hannah moved that said bill lie on the table.

Said motion was disagreed to.

The yeas and nays being required on said motion by Messrs. Hannah and Klair, were as follows, viz:

Those who voted in the affirmative were—

W. A. Cope,	R. F. Hutchinson,	Sawyer A. Smith,
Henry H. Denham,	A. T. Lee,	D. P. Taggart,
J. A. Duff,	G. L. Perryman,	W. C. Wynn,—10
C. W. G. Hannah,		

Those who voted in the negative were—

A. A. Allphin,	John P. Haswell, Jr.	R. S. Rector,
Robert H. Anderson,	W. W. Hopkins,	G. T. Reynolds,
O. P. Applegate,	R. Dillard Hunter,	Gus W. Richardson,
Louis W. Arnett,	F. M. Hutcheson Jr.	H. A. Schoberth,
Elliott B. Beard,	J. H. Jackson,	W. H. Shanks,
J. W. Berkshire,	W. J. Jackson,	John T. Shanklin,
P. W. Berkshire,	W. H. Jones,	S. Albert Shanklin,
F. Pierce Blair,	W. F. Klair,	Robert C. Simmons,
O. Houston Brooks,	A. T. Knox,	J. A. Sloan,
Frank J. Brown,	E. W. Lillard,	John L. Smith,
W. N. Brown, Jr.,	Jasper D. Lowder,	John S. Steers,
J. T. Buford,	Hugh Mahin,	R. E. Stewart,
Albert Butler,	Wm. S. Markolf,	W. H. Strange,
C. C. Chase,	W. C. McChord,	J. W. Stump,
J. Will Clay,	Emanuel Meyer,	J. B. Swann,
H. K. Cole,	H. L. Myers,	Eugene W. Tandy,
Dr. C. F. Crecelius,	Duncan Milliken,	C. S. Templeman,
W. A. B. Davis,	Chris. Mueller,	Wm. M. Thompson,
Thurman B. Dixon,	Jesse F. Nichols,	Geo. C. Waggoner,
Wm. E. Dowling,	A. C. Oliver,	John P. Wallace,
Robert Enlow,	G. W. Parrott,	E. E. Wash,
John Feland,	W. V. Perry,	W. R. Whitlow,
Thos. E. Finley,	John C. Pirtle,	Geo. S. Wilson
F. E. Graves,	J. F. Porter,	J. Hal Woodford,
R. L. Gwathmey,		—73

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution, were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,	R. L. Gwathmey,	G. T. Reynolds,

Robert H. Anderson,	John P. Haswell, Jr.	Gus W. Richardson,
O. P. Applegate,	W. W. Hopkins,	H. A. Schoberth,
Louis W. Annett,	R. Dillard Hunter,	W. H. Shanks,
Elliott B. Beard,	F. M. Hutcheson Jr.	S. Albert Shanklin,
J. W. Berkshire,	J. H. Jackson,	Robert C. Simmons,
P. W. Berkshire,	W. J. Jackson,	J. A. Sloan,
F. Pierce Blair,	W. F. Klair,	John L. Smith,
O. Houston Brooks,	A. T. Lee,	John S. Steers,
Frank J. Brown,	E. W. Lillard,	R. E. Stewart,
W. N. Brown, Jr.,	Hugh Mahin,	W. H. Strange,
J. T. Buford,	Wm. S. Markolf,	J. W. Stump,
Albert Butler,	W. C. McChord,	J. B. Swann,
C. C. Chase,	Emanuel Meyer,	Eugene W. Tandy,
J. Will Clay,	Duncan Milliken,	C. S. Templeman,
H. K. Cole,	Chris. Mueller,	Wm. M. Thompson,
Dr. C. F. Crecelius,	Jesse F. Nichols,	Geo. C. Waggoner,
Thurman B. Dixon,	A. C. Oliver,	E. E. Wash,
Wm. E. Dowling,	W. V. Perry,	Harry Weitkamp,
Robert Enlow,	G. L. Perryman,	W. R. Whitlow,
John Feland,	John C. Pirtle,	Geo. S. Wilson
Thos. E. Finley,	J. F. Porter,	J. Hal Woodford,
F. E. Graves,	R. S. Rector,	—68

Those who voted in the negative were—

W. A. Cope,	T. C. Jackson,	G. W. Parrott,
W. A. B. Davis,	W. L. Kimbrough,	Sawyer A. Smith,
Henry H. Denham,	A. T. Knox,	D. P. Taggart,
J. A. Duff,	Jasper D. Lowder,	John P. Wallace,
C. W. G. Hannah,	J. B. Maynard,	W. C. Wynn,—17
R. F. Hutchinson,	H. L. Myers,	

Resolved, that the title thereof be as aforesaid.

A message was received from the Senate announcing that they had disagreed to a bill which originated in the House entitled:

H. B. 344. An act relating to the time, manner and mode of probating wills.

That they had passed bills and joint resolutions which originated in the House of Representatives of the following titles:

H. Res. 6. Resolution for the benefit of William Wilson.

H. Res. 8. Resolution for the benefit of the ministers of the Gospel of the city of Frankfort.

H. B. 66. An act to repeal an act entitled, An act to authorize the organization and maintenance of a graded free school in common school districts No. 3 in Johnson county, approved March 29, 1898.

H. B. 75. An act to amend section 3646 Kentucky Statutes.

H. B. 76. An act to amend an act approved March 13, 1906, entitled, An act to amend an Act entitled, An act for the government of the cities of the second class in the Commonwealth of Kentucky, approved March 19, 1904.

H. B. 106. An act to amend an act entitled, An act to amend an act entitled, An act to assign the cities and towns of this Commonwealth to the classes to which they belong, approved March 21st, 1906.

H. B. 179. An act enabling the Kentucky Board of Pharmacy to exchange certificates of registration with other states allowing pharmacists registered in foreign states to practice pharmacy in Kentucky.

H. B. 164. An act to amend sections 2630 and 2635 of the Kentucky Statutes, edited by John D. Carroll, edition of 1903, relating to the sale of drugs.

H. B. 220. An act permitting warehousemen to commingle tobacco of like grades.

H. B. 233. An act repealing an act entitled, An act to incorporate the town of Homer and repealing an act to amend the charter of the town of Homer, Logan county.

H. B. 241. An act to amend sub-section 2412a, article 8, Chapter 76, Kentucky Statutes, relating to public ditches and creeks.

H. B. 257. An act to amend section 1882, Chapter 52, article 5, Kentucky Statutes, Carroll's edition of 1903, entitled, "Fiscal Courts."

H. B. 306. An act to amend and re-enact sub-sections 1, 11, 16, 19, 20, 22, 23, 24, and 26 of section 2380 and sub-sections 4, 5 and 7 of section 2412 of the 1903 edition of Carroll's Kentucky Statutes, which relates to the drainage of lands in this Commonwealth.

H. B. 387. An act to amend an act entitled, An act to amend and re-enact an act continuing the State Dental Association and defining the duties of said association, and regulating the practice of dentistry in this state, approved March 17, 1904.

H. B. 264. An act to amend sections 203 and 304 of the Kentucky Code of Practice in criminal cases.

H. B. 312. An act providing for the remains of Thomas F. Marshall and making an appropriation for the expense thereof.

H. B. 444. An act prescribing further duties of the chief clerks of the Senate and House of Representatives and providing compensation therefor.

With amendments to House Bills 264 and 387.

Mr. Shanks offered the following resolution:

Whereas, The Improved Order of Red Men desire to hold their state meeting in this city on May, 12, 13 and 14, 1908; and

Whereas, there is no place in this city sufficiently large to accommodate the said state organization except the hall used as the House of Representatives, and in order to furnish sufficient accommodations for the said order, therefore be it

Resolved, that we hereby grant to the said organization the use

of the said House of Representatives for the 12th, 13th and 14th days of May, 1908, with the understanding that any expenses which may be incurred by reason of said use of the hall shall be paid by the organization.

Said resolution was agreed to.

The House took up for consideration from the clerk's desk a bill entitled:

H. B. 264. An act to amend section 203 and 204 of the Kentucky Code of Practice in Criminal Cases.

Together with the amendment proposed by the Senate as a substitute therefor.

(For bill see Journal, March 11.)

Said substitute as roposed by the Senate is as follows:

Be it enacted by *the General Assembly of the Commonwealth of Kentucky*:

Section 1. That section 203 of the Kentucky Code of Practice in Criminal cases, be and the same is hereby amended by striking out the word "fifteen" and substituting therefor "ten" so that the same section 203 of the amendment will read as follows:

§ 203. The defendant is entitled to ten peremptory challenges in prosecutions for felony and to three in prosecutions for misdemeanor.

Said amendment was concurred in.

The yeas and nays being required on concurring in said substitute by Messrs. Haswell and Hannah, were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,	F. M. Hutcheson Jr.	H. A. Schoberth,
Robert H. Anderson,	J. H. Jackson,	W. H. Shanks,

Louis W. Annett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
J. Will Clay,
Dr. C. F. Crecelius,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
F. E. Graves,
W. W. Hopkins,
R. Dillard Hunter,
W. J. Jackson,
W. F. Klair,
E. W. Lillard,
Hugh Mahin,
W. C. McChord,
Duncan Milliken,
Chris Mueller,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
G. T. Reynolds,
Gus W. Richardson,
S. Albert Shanklin,
Robert C. Simmons,
John L. Smith,
John S. Steers,
J. W. Stump,
J. B. Swann,
Eugene W. Tandy.
C. S. Templeman,
Wm. M. Thompson
Geo. C. Waggoner,
E. E. Wash,
W. R. Whitlow.
Geo. S. Wilson,
J. Hal. Woodford 49

Those who voted in the negative were—

O. P. Applegate,
F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
C. C. Chase,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
J. A. Duff,
John Feland,
Thos. E. Finley,
R. G. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.
R. F. Hutchinson,
W. Harrison Isaacs,
T. C. Jackson,
W. H. Jones,
W. L. Kimbrough,
A. T. Knox,
A. T. Lee,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
Emanuel Meyer,
H. L. Myers,
G. W. Parrott,
C. C. Patrick,
G. L. Perryman,
R. S. Rector,
Isaac G. Rice,
John T. Shanklin,
J. A. Sloan,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
John P. Wallace,
Harry Weitkamp,
W. C. Wynn,—44

The yeas and nays being taken on the passage of said bill as amended by the Senate substitute in accordance with the provision of the constitution, were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,	R. Dillard Hunter,	S. Albert Shanklin,
Robt. H. Anderson,	F. M. Hutcheson, Jr.	Robert C. Simmons,
Louis W. Arnett,	J. H. Jackson,	John L. Smith,
Elliott B. Beard,	W. J. Jackson,	John S. Steers,
J. W. Berkshire,	E. W. Lillard,	J. W. Stump,
P. W. Berkshire,	Hugh Mahin,	J. B. Swann,
O. Houston Brooks,	W. C. McChord,	Eugene W. Tandy,
Frank J. Brown,	Duncan Milliken,	C. S. Templeman,
J. T. Buford,	Jesse F. Nichols,	Wm. M. Thompson,
J. Will Clay,	A. C. Oliver,	Geo. C. Waggoner,
Dr. C. F. Crecelius,	W. V. Perry,	E. E. Wash,
Wm. E. Dowling,	John C. Pirtle,	W. R. Whitlow,
W. F. Edmunds,	G. T. Reynolds,	Geo. S. Wilson
Robert Enlow,	Gus W. Richardson,	J. Hal Woodford,
F. E. Graves,	H. A. Schoberth,	—46
W. W. Hopkins,	W. H. Shanks,	

Those who voted in the negative were—

F. Pierce Blair,	John Feland,	Emanuel Meyer,
Albert Butler,	Thos. E. Finley,	G. W. Parrott,
W. A. Cope,	W. Harrison Isaacs,	J. A. Sloan,—9

The House took up for consideration from the Clerk's desk a bill entitled:

H. B. 312. An act providing for the removal of the remains of Thomas F. Marshall and making an appropriation for the expense thereof.

Together with an amendment thereto proposed by the Senate. (For bill see Journal, March 12.)

The amendment as proposed thereto by the Senate is as follows:

Amend by striking out "five hundred dollars" and inserting in lieu thereof "one hundred dollars."

Said amendment was concurred in.

The yeas and nays being taken on the passage of said bill as amended were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,	Thos. E. Finley,	Garfield Moore,
Robert H. Anderson,	S. L. Givan,	A. C. Oliver,
O. P. Applegate,	F. E. Graves,	C. C. Patrick,
Louis W. Annett,	R. G. Gwathmey,	W. V. Perry,
Elliott B. Beard,	C. W. G. Hannah,	John C. Pirtle,
J. W. Berkshire,	John P. Haswell, Jr.	J. F. Porter,
P. W. Berkshire,	R. Dillard Hunter,	R. S. Rector,
F. Pierce Blair,	F. M. Hutcheson Jr.	Isaac G. Rice,
O. Houston Brooks,	R. F. Hutchinson,	H. A. Schoberth,
Frank J. Brown,	J. H. Jackson,	S. Albert Shanklin,
W. N. Brown, Jr.	W. J. Jackson,	J. A. Sloan,
J. T. Buford,	T. C. Jackson,	John L. Smith,
Albert Butler,	W. H. Jones,	Sawyer A. Smith,
C. C. Chase,	W. F. Klair,	W. H. Strange,
C. C. Chase,	W. L. Kimbrough,	J. W. Stump,
Denver B. Cornett,	Cleves G. Kinkead,	J. B. Swann,
John T. Davis,	A. T. Lee,	D. P. Taggart,
W. A. B. Davis,	E. W. Lillard,	C. S. Templeman,
Henry H. Denham,	Jasper D. Lowder,	Geo. C. Waggoner,
Thurman B. Dixon,	Hugh Mahin,	E. E. Wash,
Wm. E. Dowling,	Wm. S. Markolf,	W. R. Whitlow,
J. A. Duff,	W. C. McChord,	W. C. Wynn,
W. F. Edmunds,	Emanuel Meyer,	J. Hal Woodford,
Robert Enlow,	Duncan Milliken,	—74

The House took up for consideration from the orders of the day a bill entitled:

S. B. 27. An act for the benefit of the office of Attorney General, to provide for assistants, defining their duties and fixing their compensation and providing for certain records to be kept in the office.

Together with the amendment heretofore proposed thereto by the committee.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Attorney General shall be the chief law officer of the Commonwealth and all its departments. The Attorney-General shall appear for the Commonwealth in the trial and argument of all cases, civil and criminal, in the Kentucky Court of Appeals whenever the Commonwealth is directly or indirectly interested. He shall also appear in behalf of the Commonwealth in any court or tribunal in or out of this State in any case or proceeding in which the Commonwealth is a party in interest except where it is made the duty of the Commonwealth's attorney or county attorney to represent the Commonwealth. He shall institute all actions and proceedings necessary to cause the payment of all judgments and demands of the Commonwealth, payable at the State Treasury, not discharged in proper time. He shall, with the assistance of the Auditor of Public Accounts, investigate the condition of all unsatisfied claims, demands, accounts and judgments in favor of the Commonwealth, and shall take all necessary steps, by motion, action or otherwise, to collect, or cause to be collected, such claims, demands, accounts and judgments and paid into State Treasury.

§ 2. The Attorney General shall, upon the written request of any executive or ministerial officer of this Commonwealth, give such officer his written opinion touching any of the duties of such officer, and, when requested by an executive or State officer, prepare proper drafts of all instruments of writing which may be required for public use.

§ 3. The Attorney General shall have power to appoint for his department the assistants and employes, heretofore enumerated, who shall serve for the term for which he is elected, unless sooner removed by him. They shall perform such duties, not otherwise provided by

law, as may be assigned them by the Attorney General, as legal adviser for the several officers, departments and institutions of the Commonwealth, or in furtherance of the discharge of his duties.

There shall be a First Assistant Attorney General, who, in case of the absence or sickness of the Attorney General, shall perform the duties of the latter, and said first assistant shall be more than thirty years of age, and shall have been regular practicing attorney for eight years, and his salary shall be three thousand five hundred dollars per annum, payable monthly, out of the State Treasury.

There shall be a Second Assistant Attorney General, who shall have the same qualifications as the First Assistant Attorney General, and receive the same salary, payable in the same way. There shall be a Third Assistant Attorney General, who shall be over 26 years of age, and shall have been a regular practicing attorney for five years, and who shall be paid a salary of $2,400 per annum, payable monthly, out of the State Treasury.

There shall be a Chief Law Clerk, who shall be more than 24 years of age, and shall have been a regular practicing attorney for more than three years, who shall receive a salary of one thousand five hundred dollars per annum, payable monthly, out of the State Treasury.

Said First Assistant Attorney General, Second and Third Assistants and Chief Law Clerk, shall, before entering upon their respective duties, give a bond to the Commonwealth of Kentucky, to be approved by the Attorney General, conditioned upon their faithful discharge of their respective duties, and said bonds shall be filed, with and kept by, the Secretary of State.

There shall be one stenographer and typewriter, who shall receive one thousand two hundred dollars per annum, and one stenographer and typewriter, who shall receive eight hundred dollars per annum, each payable monthly out of the State Treasury.

§ 4. The Attorney General, First Assistant Attorney General and Second and Third Assistants shall be paid their actual and necessary

expenses when called away from the State Capitol on business of the Commonwealth; but before a warrant shall be issued by the Auditor of Public Accounts therefor there shall be filed in his office an itemized statement, signed and verified by said assistants, and approved by the Attorney General, when it is the account of either assistant, and when it is the account of the Attorney General it shall be verified by him and approved by the Governor, showing the amount of expenses said Attorney General or assistants are entitled to receive.

§ 5. The Attorney General and his assistants shall attend to all litigation and business in or out of the State, required of him or them under this act, or other existing law or laws hereinafter enacted, and also any litigation or business that any State officer may have in connection with, or growing out of, his official duty; and no State officer, board of trustees or the head of any department or institution of the State shall have authority to employ or to be represented by any other counsel or attorney-at-law, unless an emergency arises which, in the opinion of the Attorney General, requires the employment of other counsel, in order to properly protect the interest of the Commonwealth, in which event the Attorney General shall, in writing, setting forth the reason for such employment, request the Governor to employ such additional counsel. Before such employment said written requests shall be filed in the office of the Secretary of State, and shall be a public record, and a copy thereof shall be retained and kept on file in the office of the Attorney General.

Before such counsel is employed his fee and compensation shall be agreed upon and fixed by written contract by the Governor, and said counsel, subject to the approval by the Attorney General, and copies thereof, shall be kept on file in the office of the Attorney General and the Secretary of State.

§ 6. The Attorney General shall keep in his office a book styled "Index Book," in which shall be entered the number and style of each case in which the Commonwealth is interested, and the court in which

it is pending, and shall also contain a brief statement of the nature of the case and the steps taken therein. Said book shall be a public record.

He shall also keep on file in his office, subject to public inspection, all opinions rendered by him, alphabetically arranged. He is hereby authorized to purchase such index books and file boxes as may be required by this section, and he shall file an itemized account showing the cost of the same in the office of the Auditor of Public Accounts, who shall thereupon draw his warrant upon the Treasurer for the amount of said account.

§ 7. The Attorney General shall be required to keep in his office a book showing the exact amount of moneys collected by him from all sources and due the State, and what disposition has been made of said moneys, and he shall, biennially, on or before the 31st day of December, beginning with the 31st day of December, 1909, report to the Governor a full statement of the business done in his office and moneys collected by him, and the disposition made of same. He is empowered to purchase such books as are necessary to carry out the provisions of this section, to be paid for out of the State Treasury.

§ 8. Owing to the fact that there is a great amount of litigation, in which the State is interested, now pending in the various counties, to which the Attorney General is unable to properly attend, an emergency exists, therefore this act shall take effect from and after its passage.

§ 9. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

The amendment as proposed thereto by the committee is as follows:

1st. By amending section 3 of said bill by inserting after the word "enumerated" in line 2 of said section the following:

"But said three assistants shall be appointed by him, subject to the advice and consent of the Senate."

2d. By striking from said bill lines 21, 22, 23, and 24 from said section on page 3.

Said amendment was disagreed to.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows:

Those who voted in the affirmative were—

A. A. Allphin,
Robert H. Anderson,
O. P. Applegate,
Louis W. Arnett,
J. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
W. N. Brown, Jr.,
Frank J. Brown,
J. F. Buford,
Albert Butler,
C. C. Chase,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Dr. C. F. Crecelius,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
Robert Enlow,
John Felano,
Thos. E. Finley,
F. E. Graves,
R. L. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.
W. W. Hopkins,
J. H. Jackson,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
B. L. Myers,
Duncan Milliken,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
C. C. Patrick,
W. V. Perry,
G. L. Perryman,
R. S. Rector,
G. T. Reynolds,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
S. Albert Shanklin,
Robert C. Simmons,
J. A. Sloan,
Jonhn L. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. B. Swann,
Eugene W. Tandy.
C. S. Templeman,
E. E. Wash,
W. R. Whitlow,
W. C. Wynn,—
Geo. S. Wilson,
J. Hal Woodford,—74

Those who voted in the negative were—

F. M. Hutcheson Jr. J. F. Porter, Wm. M. Thompson, J. W. Stump,—4

Resolved, that the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 191. An act to amend an act for the erection, maintenance and protection of public levees.

Said bill is as follows:

Be it enacted by the General Assembly of the Comonwealth of Kentucky:

§ 1. That the act of March 11, 1902, being chapter 34, article 7, section 938a, Kentucky Statutes, be, and the same is hereby amended, by the addition of the two following sub-sections to said act to be designated as sub-sections 12 and 13-f, viz.:

"Sub-section 12. It shall be unlawful for any person to suffer or permit any hogs owned by them to run at large on any public levee, and any one so offending shall be found guilty of trespass and for each offense fined not less than five nor more than ten dollars; and any hogs found running at large on said levees, may be impounded by the levee commissioners, and held for five days, and unless within that time the owner of said hogs, shall pay to said commissioners the penalty above described, said hogs may be sold by said commissioners for the benefit of said levee.

"Sub-section 13. Said levee commissioners shall, for the purpose of building, or repairing of the levees for which they are commissioners, have the power to levy and have collected an annual tax on all property situated within the territory protected by said levee of not exceeding 50 cents (fifty cents) on the one hundred dollars,

said property to be assessed, and the tax collected by the county assessor and sheriff, in the same manner and time and subject to the same requirements, as in the assessing and collecting the county revenues; same when collected to be paid over by the sheriff to the levee commissioners, which, together with the proceeds of all fines assessed and collected under the provisions of this act, shall be used by said commissioners in the building or repairing of their levees."

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution, were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,
O. P. Applegate,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
Albert Butler,
J. Will Clay,
H. K. Cole,
Dr. C. F. Crecelius,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
W. F. Edmunds,
John P. Haswell, Jr.
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson Jr.
J. H. Jackson,
W. J. Jackson,
W. H. Jones,
W. F. Klair,
Cleves G. Kinkead,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
W. C. McChord,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Jesse F. Nichols,
A. C. Oliver,
G. W. Parrott,
G. T. Reynolds,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
John F. Shanklin,
S. Albert Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
W. H. Strange,
J. W. Stump,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy.
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner.

Robert Enlow,	C. C. Patrick,	John P. Wallace,
John Feland,	W. V. Perry,	E. E. Wash,
Thos. E. Finley,	John C. Pirtle,	W. R. Whitlow,
F. E. Graves,	J. F. Porter,	Geo. S. Wilson,
C. W. G. Hannah,	R. S. Rector,	J. Hal Woodford,-73
Robert L. Harris,		

Resolved, that the title thereof be as aforesaid.

Mr. Steers, of the Committee on Enrollments, reported that they had examined and found correctly enrolled bills of the following titles:

S. B. 16. An act to amend section 3948, Chapter 104, Kentucky Statutes.

S. B. 20. An act to amend section 1784 of the Kentucky Statutes.

S. B. 21. An act relating to registration in towns of the fifth and sixth classes, amending section 1486 of Kentucky Statutes, by striking out the words "fifth and sixth classes."

S. B. 32. An act to authorize under certain conditions and restrictions the use of public highways, roads and turnpikes by persons, firms or corporations engaged in the manufacture, transmission and distribution of electricity for lighting, heating and power purposes.

S. B. 38. An act relating to bonds officials and other bonds required by law.

S. B. 76. An act to amend an act entitled, An act to create a State School Book Commission and a County School Book Commission, to procure for use in the public schools in this Commonwealth a uniform series of text books, and to define the duties and powers of said commission, to fix the maximum prices of said text books, to make preparations for carrying this act into effect, and providing penalties for violation of same, being Chapter 3 of the acts of 1904.

S. B. 86. An act to amend an act entitled, An act to amend the charter of Bacon College, and to amend an act entitled, An act to consolidate Kentucky University, and to change the name of Kentucky University to Transylvania University:

S. B. 103. An act to provide an annual school of county and city health officers and to provide for the conduct and expenses of the same.

S. B. 121. An act to amend section 2054, Chapter 63, of the Kentucky Statutes, relating to the State Board of Health.

S. B. 122. An act to create an educational commission, to define its powers and duties, and to provide for its expenses.

S. B. 160. An act to provide for two district detectives, for an annual expense fund of $500 for the Commonwealth's Attorney of districts containing counties in this Commonwealth containing a population of 150,000 or over.

S. B. 193. An act to amend section 19 of article 4 of an act entitled, An act for the government of cities of the second class in the Commonwealth of Kentucky, approved by the Governor March 19, 1894, and being section 3076 Kentucky Statutes.

H. B. 11. An act to provide necessary clerical service for the library of the Commonwealth.

H. B. 21. An act to provide for the care, custody and maintenance of court houses and the court rooms and officers therein and the public grounds adjacent thereto in counties containing cities of the second class.

H. B. 32. An act defining the crime of abortion and prescribing a penalty therefor.

H. B. 64. An act to promote and compel attendance of children in schools and to prevent truancy in cities of the first, second, third and forth classes, and to enable boards of education or boards of school trustees of cities of the first and second classes to establish and maintain parental or truant schools for the care and discipline of truant children, and for the purpose of reducing truancy.

H. B. 92. An act to amend an act, approved March 21, 1906,

entitled, An act to establish a system of State Normal Schools in Kentucky; to create a Board of Regents for the management thereof; to create a Normal Executive Council, which shall determine the requirements for admission and graduation, and the courses of study for said schools; to create a commission which shall determine the location of said schools, and to appropriate funds for their maintenance.

H. B. 93. An act to amend so much of section 965 of Kentucky Statutes as relates to the time of holding court in the second Circuit Court district.

H. B. 107. An act to amend section 20, article 1, of an act entitled, An act relating to Revenue and Taxation, approved March 15, 1906.

H. B. 108. An act to amend section 4375 of the Kentucky Statutes, Carroll's edition, 1903.

H. B. 109. An act to amend an act entitled, An act relating to Revenue and Taxation, approved March 15, 1906.

H. B. 120. An act to amend section 1308 of the Kentucky Statutes.

H. B. 136. An act to allow veteran voluntary firemen's associations pensions in the city of Louisville.

H. B. 138. An act to change the court calendar of the thirteenth judicial district.

H. B. 141. An act for the government and regulation of the common schools of this Commonwealth.

H. B. 143. An act to amend an act entitled, An act to amend section 4315 Kentucky Statutes, being 110 of the Kentucky Statutes, approved March 21, 1906.

H. B. 152. An act to repeal Chapter 71, acts of 1906.

H. B. 185. An act requiring cities of the first class to levy and collect a tax of not less than 36 cents on each $100 worth of property assessed for taxation for city purposes for the maintenance of the common schools in said cities, being an amendment to section 2969 of the Kentucky Statutes, which is a part of an act for the government of cities of the first class, approved July 1, 1893.

H. B. 198. An act providing for the continuation of the geological, topographical and agricultural survey of the State of Kentucky and for the continuation of topographical surveys in co-operation with the U. S. geological survey.

H. B. 204. An act to amend section 1541, Kentucky Statutes, Carroll's edition, 1903.

H. B. 207. An act to regulate the time of holding court by justices of the peace in magisterial districts in this Commonwealth for the trial of civil causes.

H. B. 210. An act to amend section 4643 of the Kentucky Statutes.

H. B. 230. An act to amend 2949 of the Kentucky Statutes to compensate school trustees in cities of the first class for the attendance of school board and committee meetings.

H. B. 259. An act to regulate the admission of attorneys to practice law.

H. B. 261. An act relating to children who are now or who may hereafter become dependent, neglected or delinquent, to define these terms, and fixing and defining the powers of the several county courts within this Commonwealth, with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised.

H. B. 288. An act to regulate child labor and make the provisions thereof effective.

H. B. 291. An act to amend an act entitled, An act for the govern-

ment of cities of the first class, approved July 1st, 1893, providing for the creation, control and disposition of a fund to be used in pensioning common school teachers in cities of the first class.

H. B. 444. An act prescribing further duties of the chief clerks of the Senate and House of Representatives, and providing compensation therefor.

Thereupon all other business was suspended and said bills were severally read at length and compared in open session, and were found to be correctly enrolled.

Thereupon the Speaker pro tem. in open session in the presence of the House affixed his signature thereto.

Ordered, that the enrolling clerk deliver the same to the Senate, for like action upon the bills which originated in the House.

And then the House adjourned until 3 o'clock p. m.

AFTERNOON SESSION.

At 3 p. m. the House met pursuant to a resolution heretofore adopted.

Mr. Speaker Gooch presiding.

Mr. Klair moved that the present session of the House be extended indefinitely.

Said motion was agreed to.

A message was received from the Governor announcing that he had approved and signed a bill which originated in the Senate entitled:

S. B. 122. An act to create an Educational Commission, to define its powers and duties and to provide for its expenses.

Thereupon, in accordance with the provisions of said act, the

House proceeded to elect one of its members as a member of the Educational Commission created by said act.

(For bill creating said commission see yesterday's Journal.)

Mr. Hannah named the Hon. J. H. Jackson, member of this House from the county of Owen, as a suitable person to fill said position.

Mr. Klair moved that the election of Mr. Jackson be declared by acclamation.

Said motion was unanimously agreed to.

Thereupon the Speaker declared that the Hon. J. H. Jackson was duly elected as a member of said Educational Commission.

Mr. Shanks, of the Committee on Rules, offered the following resolution:

Whereas, the proceedings in detail of the House and the work of its members, are of great importance to the people of Kentucky, and such information could not otherwise be satisfactorily conveyed to them except through the diligent and conscientious assistance of the six recognized legislative correspondents of the daily papers, assigned to report such proceedings of the House, and

Whereas, it is evident that the business of the House cannot be satisfactorily transacted or such information imparted to the constituents of the members of this House except through the assistance of said legislative correspondents, be it

Resolved, that in line with the custom of nearly every other state, the committee on Rules is hereby authorized and directed to see that such information is daily imparted to the people of Kentucky, that the business of this House be not impeded by a lack of such information, and that in so doing the committee on Rules is authorized to employ the said six newspaper correspondents, Lee Robinson, S. M. Saufley, W. E. Bidwell, W. S. Kaltenbacher, Dublin Moss and A. R.

Dunlap and to fix their compensation the same as paid to pages and messengers of this House, and further be it:

Resolved, that the expense of the committee, including such assistants as designated, shall be paid as a part of the contingent expenses of the House, upon the production to the auditor of Public Accounts of a voucher of said expenses, signed by the chairman of the committee, the Speaker of the House and countersigned by the clerk of the House.

Whereas, It is apparent that such work has been performed by the committee on Rules and such assistance given the beginning of the resent session, be it

Resolved, that this resolution shall take effect as of the first day of the present session and that the compensation provided for herein be paid for each day of the session.

Attest:

Said resolution was agreed to.

Mr. Shanks, of the Committee on Rules, offered the following resolution:

Resolved, that the following amounts be allowed to the several contestants and contestees for their attorneys, fees paid and expenses incurred in the various contests begun and prosecuted to determine the right to seat in this house, viz:

In the contest of
W. S. Buford vs. Hugh Mahin
To W. B. Buford, attorney's fees ---------- $100.00
To Hugh Mahin, attorney's fees ---------- 150.00
Same, expenses ---------- 50.00

In contest of
H. Clay Howard vs. J. Hal Woodford,
To H. Clay Howard, attorney's fees, ---------- $200.00

same expenses,---------- 200.00
To J. Hal Woodford, attorney's fees,---------- 200.00
Same, expenses ---------- 200.00

In contest of
J. E. Dalton vs. Thurman B. Dixon,
To J. E. Dalton, attorney's fees,----------$200.00
To Thurman B. Dixon, attorney's fees,---------- 250.00
Same, expenses ---------- 50.00

In contest of
John B. Brashear vs. Thomas E. Finley,
To John B. Brashear attorney's fees,----------$150.00
To Thomas E. Finley, attorney's fees,---------- 150.00

In contest of
R. S. Paris vs. Albert Butler,
To R. S. Paris, attorney's fees,----------$150.00
To Albert Butler, attorney's fees,---------- 150.00

In contest of
A. J. Gorham, vs. C. C. Patrick,
To A. J. Gorham, attorney's fees,----------$150.00
To C. C. Patrick, attorney's fees, ---------- 150.00

In contestest of
E. S. Howard vs. Denver B. Cornett,
To E. S. Howard, attorney's fees,----------$150.00
To Denver B. Cornett, attorney's fees,---------- 150.00

In contest of
Ben B. King vs. W. H. Shanks,
To Ben B. King, attorney's fees,----------$125.00
To W. H. Shanks, attorney's fees,---------- 175.00

In contest of

M. L. Brewer vs. W. L. Kimbrough,

To Kimbrough, expenses,---------- $80.00

That the same be certified to the Auditor of Public Accounts as a necessary contigent expense of this House, and he is directed to draw his warrant on the Treasurer for said amount in favor of the parties named respectively.

Mr. Hannah offered the following amendment to said resolution:

We, the undersigned members of the board of contest selected and sworn to try the contest for a seat in this House of Brown Buford, contestant, vs. Hugh Mahin, contestee, find the following for a minority report: After carefully examining the records and proof in the case, that the contestant Buford is entitled to one hundred and twenty-five dollars for his expenses and attorney's fees, and that the contestee Mahin is entitled to one hundred and twenty-five dollars for his expenses and attorney's fees.

O. W. G. Hannah.
W. C. Wynn.
Jasper D. Lowder.

Said amendment was disagreed to.

Said resolution was agreed to.

Mr. Shanks, of the Committee on Rules, offered the following resolution:

Whereas, Pat Simpson has during the present session faithfully and acceptably served the General Assembly of Kentucky in keeping clean and comfortable, by daily fires, the rotunda of the capitol building, and promptly and efficiently performed necessary service in cleaning and taking care of the closets therein, and waiting on committees.

Therefor, be it resolved, by the House of Representatives, that the said Pat Simpson be allowed the sum of twenty-five dollars, to be

paid as contingent expenses, and the Auditor is directed to draw his warrant on the treausurer for said sum out of any money not otherwise appropriated in favor of said servant Pat Simpson.

Said resolution was agreed to.

Mr. Shanks, of the Committee on Rules, offered the following resolution:

Resolved, That there is hereby appropriated out of the contingent expense of the House the sum of six dollars for the payment of C. W. Longmire, Sergeant at Arms, for the purchase of one mail box for the House of Representatives.

Said resolution was agreed to.

Mr. Shanks, of the Committee on Rules, offered the following resolution:

Whereas, Robert Lyons has rendered services by attending on contest committees and other committees of this House,

Be it resolved, that he be paid the sum of fifteen dollars for such services, and the same be certified by the clerk as contingent expense of this House.

Said resolution was agreed to.

Mr. Graves offered the following resolution:

Resolved by the House of Reprensentatives, that the Code and Statutes heretofore provided for the members of this House by previous resolution of this House be sold by the Librarian to the members of the House as follows, to-wit:

Said Librarian may sell to the members of the House the Statutes of Kentucky for the sum of three dollars; that he may sell the Codes of Practice to said membens for the sum of two dollars.

Said resolution was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 200. An act to amend section 3 of article 5 of an act entitled, An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, and which is now section 3108 of the Kentucky Statutes.

Mr. Wallace offered an amendment to said bill.

Mr. Sawyer A. Smith moved that the further consideration of said bill be postponed indefinitely.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a joint resolution entitled;

S. Res. 6. Resolution for the benefit of the Custodian of Public Buildings.

Said resolution is as follows, viz:

Resolution for the benefit of the Custodian of Public Buildings.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Custodian of Public Buildings be, and he is hereby, authorized and empowered to employ such assistants as are necessary, at not exceeding five dollars per day, during the present session of the General Assembly, to keep fire in the capitol furnace, and the back capitol in good condition.

2. That the Auditor of Public Accounts is hereby authorized to draw his warrant, in favor of said custodian, for said amount.

3. There being no money on hand set apart to pay said expense, an emergency is declared to exist.

Ordered, That said resolution be read the third time.

The provisions of the Constitution as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,
Robert H. Anderson,
Louis W. Arnett,
Elliott B. Beard,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
Albert Butler,
C. C. Chase,
J. Will Clay,
H. K. Cole,
Dr. C. F. Crecelius,
W. A. B. Davis,
Thurman B. Dixon,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
Thos. E. Finley,
F. E. Graves,
John P. Haswell, Jr.
W. W. Hopkins,
R. Dillard Hunter,
F. M. Hutcheson Jr.
R. F. Hutchinson,
J. H. Jackson,
W. J. Jackson,
T. C. Jackson,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead.
A. T. Knox,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
J. B. Maynard,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Chris Mueller,
Jesse F. Nichols,
G. L. Perryman,
John C. Pirtle,
R. S. Rector,
G. T. Reynolds,
Isaac G. Rice,
Gus W. Richardson,
W. H. Shanks,
S. Albert Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
D. P. Taggart,
Eugene W. Tandy.
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
—65

Resolved, That the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled;

S. B. 84. An act appropriating ten thousand dollars for the purpose of restoring the monument to Henry Clay in the Lexington Cemetery.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be, and is hereby, appropriated, out of any money in the treasury not otherwise appropriated, the sum of ten thousand dollars for the purpose of restoring the monument to Henry Clay in Lexington cemetery. Said sum to be expended, together with any other sums which may be contributed from other sources, under the direction of the chairman of the Board of Trustees of the Lexington Cemetery Company and that of two other persons appointed by the Governor, who shall act without compensation in the expenditure of same.

Ordered, That said bill be read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,	R. L. Gwathmey,	G. L. Perryman,
Robert H. Anderson,	C. W. G. Hannah,	John C. Pirtle,
Louis W. Annett,	John P. Haswell, Jr.	R. S. Rector,
Elliott B. Beard,	W. W. Hopkins,	G. T. Reynolds,
J. W. Berkshire,	R. Dillard Hunter,	Isaac G. Rice,
P. W. Berkshire,	F. M. Hutcheson Jr.	Gus W. Richardson,
F. Pierce Blair,	R. F. Hutchinson,	H. A. Schoberth,

Frank J. Brown,
J. T. Buford,
Albert Butler,
C. C. Chase,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
John Feland,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
J. H. Jackson,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
A. T. Knox,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
W. C. McCord,
H. L. Myers,
Duncan Milliken,
Garfield Moore,
Chris. Mueller,
Jesse F. Nichols,
C. C. Patrick,
W. V. Perry,
W. H. Shanks,
John T. Shanklin,
S. Albert Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
W. H. Strange,
J. W. Stump,
D. P. Taggart,
C. S. Templeman,
Geo. C. Waggoner,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson
J. Hal Woodford, 79

Those who voted in the negative were—

A. T. Lee,
J. B. Maynard,

Resolved, That the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled;

S. B. 190. An act providing vacations for guards at the penitentiaries and Houses of Reform.

Said bill is as follows, viz:

Mr. Rives introduced the following bill, which was read thefirst time and ordered to be printed, viz;

An act providing vacations for guards at the Penitentiaries and Houses of Reform.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the guards at the penitentiaries and the houses of reform shall be allowed two days time off duty during each month, without any deduction being made from their salaries therefor, and that they shall be allowed, at some suitable time during the year, a vacation of ten days, without any deduction from their salaries therefor. Said days off duty and vacation to be arranged for with the wardens of each institution.

Ordered, That said bill be read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,	J. H. Jackson,	Gus W. Richardson,
Robert H. Anderson,	T. C. Jackson,	H. A. Schoberth,
Louis W. Annett,	W. F. Klair,	W. H. Shanks,
Elliott B. Beard,	Cleves G. Kinkead,	John T. Shanklin,
J. W. Berkshire,	E. W. Lillard,	S. Albert Shanklin,
P. W. Berkshire,	Hugh Mahin,	Robert C. Simmons,
O. Houston Brooks,	W. C. McChord,	John L. Smith,
Frank J. Brown,	Emanuel Meyer,	John S. Steers,
J. T. Buford,	H. L. Myers,	W. H. Strange,
C. C. Chase,	Duncan Milliken,	J. W. Stump,
J. Will Clay,	Garfield Moore,	J. B. Swann,
H. K. Cole,	Chris. Mueller,	Eugene W. Tandy,
Dr. C. F. Crecelius,	Jesse F. Nichols,	C. S. Templeman,

W. A. B. Davis,	A. C. Oliver,	Wm. M. Thompson,
Robert Enlow,	W. V. Perry,	Geo. C. Waggoner,
F. E. Graves,	John C. Pirtle,	E. E. Wash,
W. W. Hopkins,	J. F. Porter,	Harry Weitkamp,
R. Dillard Hunter,	R. S. Rector,	W. R. Whitlow,
F. M. Hutcheson Jr.	G. T. Reynolds,	Geo. S. Wilson
		J. Hal Woodford.57

Those who voted in the negative were—

F. Pierce Blair,	C. W. G. Hannah,	C. C. Patrick,
W. N. Brown, Jr.,	W. H. Jones,	G. L. Perryman,
Albert Butler,	W. L. Kimbrough,	John T. Shanklin,
John T. Davis,	A. T. Knox,	Sawyer A. Smith,
Henry H. Denham,	A. T. Lee,	D. P. Taggart,
W. F. Edmunds,	Wm. S. Markolf,	John P. Wallace,
S. L. Givan,	J. B. Maynard,	W. C. Wynn—22
R. L. Gwathmey,		

Resolved, That the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled;

S. B. 92. An act to amend and re-enact certain sections of the Kentucky Statutes, Chapter 89, article 5, relating to cities of the fifth class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3572, Article 5, Subdivision 9, Chapter 89, of the Kentucky Statutes, be, and the same is hereby amended and

re-enacted so that said section shall read:

The original construction of any street, road, alley, market space, lane, public square or grounds, wharves, levees or avenue may be improved by grading, macadamizing, paving with brick, granite or other material, curb or gutter, sidewalks and sewers, as may be prescribed in the specifications and ordinances at the exclusive cost of the owners of the lots and parts of lots or land fronting or abutting or bordering upon the grounds so improved, to be equally apportioned by the board of council according to the number of front feet owned by them respectively, upon the petition of the majority of the property owners of the lots or parts of lots or grounds abutting or bordering upon the ground to be improved; Provided: That the said board of council may cause the same to be done without petition from the owners of the lots and parts of lots or land fronting or abutting or bordering upon the ground to be improved, if two-thirds of the members-elect of said council, at a regular meeting thereof shall concur therein. It shall be lawful to include the entire imprisonment in one construction ordinance and to receive bids and award the contract for the entire improvement to one contractor, or, receive bids and award the contract for any portion of the improvement to different contractors as may appear best. It shall be lawful to pass ordinances for any portion of the improvement from time to time and to receive bids therefor and award the contract to the lowest and best bidder instead of having the entire improvement included in one ordinance. The city council shall require the accepted biddr to excute a bond to the city with good and sufficient security to be approved by said council for the faithful performance of his contract, and the contractor shall begin his work promptly after signing said contract and complete the same within reasonable time; or the contract may specify that if the improvement is not completed by the time specified in the construction ordinance the contractor shall be liable to such penalty as may be prescribed.

§ 2. That Section 3573, Article 5, Subdivision 9, Chapter 89, of the Kentucky Statutes, be, and the same is hereby amended and re-enacted so that said section shall read:

When the work is undertaken under the provision of Section 3572 and is completed in accordance with the contract, the work shall be received by said city council upon receipt of a certificate from the city engineer and committee on streets, stating that the work has been done according to contract and said city engineer shall apportion the cost of said improvement against the lots or grounds abutting or bordering the improvement and any owners of the lots or grounds abutting or bordering the improvement desiring to settle in cash for improvement assessed against them may, within thirty days after the adoption of the apportionment, pay the amount assessed against them to the city collector or treasurer, who shall place the money in the "street improvement fund." At the expiration of thirty days after the adoption of the apportionment, the collector or treasurer shall report to the council the amount of cash received and the council shall order the city clerk to advertise street improvement bonds for sale to cover the remainder, together with all expense attending the issue and sale of said bonds, including the advertisement, cost of printing bonds, etc., said bonds to bear interest as may be prescribed by the city council not exceeding six per cent. per annum and when the bonds shall have been sold, the money realized therefrom shall be placed in the street improvement fund and an order drawn against said fund in favor of the contractor for the entire amount due him, including interest at the rate of six per cent per annum from the time the work was accepted by the city council to date of payment made to him.

§ 3. That Section 3574, Article 5, Subdivision 9, Chapter 89 of the Kentucky Statutes, be, and the same is hereby amended and re-enacted so that said section shall read:

That within thirty days after the advertisement for sale of street

improvement bonds as provided in Section 3573, it shall be the duty of the Mayor to issue the bonds of the city which shall be signed by the Mayor and the City Clerk with coupons payable semi-annually at the rate of interest specified in said bonds, said bonds shall be issued in such denomination as may be specified and shall be redeemable by the city at any time within ten years after the date of issue that council may ordain, and the city may redeem any of said bonds at such time or times within the said ten years as may be stated in said bond or bonds, and said bond shall be dated on the day that the work was completed and accepted by the city council, and shall be payable at any bank or banks in the State of Kentucky as council may direct, which place of payment be designated in each and every bond issued under this amendment and said bonds shall not be sold for less than par and accrued interest.

§ 4. That Section 3575, Article 5, Subdivision 9, Chapter 89, of the Kentucky Statutes, be, and the same is hereby amended and re-enacted so that said section shall read:

All money arising from the sale of bonds provided in Section 3573 and 3574, shall be kept by the city treasurer in a separate fund to be known as the "Street Improvement Fund," and the city treasurer shall pay out of said fund all orders which the city council shall direct paid for any street improvement provided for in Section 3572 and he shall keep all money arising out of this amendment in the same manner, and subject to all the regulations regarding other money of the city, except that he will keep a separate account of the same and credit all interest arising threfrom to said "Street Improvement Fund," and the said city treasurer shall be responsible under his official bond, as said city treasurer, for the money accruing and received by him under this amendment and for the faithful performance of the duties herein required by him. The amount of bonds issued for any one improvement shall be the amount of the unpaid assessments as shown in the engineer's apportionment together with the cost of advertising said bonds for

sale, printing and engraving said bonds and all other expenses attending the issue of same, and the total amount thereof shall be assessed equally by the feet front upon the property fronting or abutting or bordering upon said improvement. In case when same is undertaken under the provisions of section 3572 and for the purpose of this amendment, the intersection of streets and crossings adjoining shall be added to the cost of improvement, to be paid by the property holders abutting the property improved. All property fronting or abutting or bordering upon said improvement belonging to the city shall be considered and assessed as property belonging to individuals, and the assessment thereon may be paid in the same manner by the city out of the general fund and charged to the "Street Improvement Fund" as is paid by individuals, or the city may pay said assessment out of the process realized from premiums on sale of street improvement bonds and take same out of the street improvement fund, also in case the city shall assume the payment of any portion of the improvement other than against property owned by the city fronting or abutting said improvement, the city may settle for such amount assumed by it in the same manner as prescribed for settling for any assessment against any property belonging to the city. The assessment shall be made as soon as the improvement is fully completed, and the sum assessed which shall include the cost of the intersection and crossings aforesaid, together with the cost attending the sale and issue of said bonds as aforesaid against each piece of property and also the owners thereof, shall be placed upon the tax list of the city, and shall be payable at the office of the city treasurer in ten equal annual installments with interest at the rate specified in said bonds upon the unpaid portion thereof. The first installment, together with interest on the whole amount at rate specified shall be payable at the first payment of taxes next succeeding the time the assessment is placed upon the tax list, the interest to be computed to the date that taxes are due and payable and other installments annually thereafter and always at the time of payment of the other city taxes, with interest on the

installments not due at the time until all installments are paid. The assessment may be collected like other taxes, or the city may, at any time, after one installment remains deliquent for thirty days, by suit in equity, enforce its lien for all of the unpaid installments, with interest thereon to date of satisfaction of same, and its cost expended. The city treasurer and the city solictor shall not be entitled to receive any compensation whatever for their services in collecting taxes provided for in this amendment nor for any other services performed under this amendment unless the city council see proper, by ordinance, to make them, or either of them a specific allowance therefor, which shall only be done by a vote of two-thirds of the members elect of said council.

The city council may provide a sinking fund to meet any deficit that may occur in the "Street Improvement Fund" by reason of property owners not paying their assessments when due and any money remaining in said sinking fund, or which may not be needed for the purpose it was created, may be transferred to the general fund.

§ 5. Whereas, This act will save a great deal of money in the cost of construction of streets, an emergency is declared to exist, and this Act shall take effect and be in force from and after its passage and approval by the Governor.

Ordered, That said bill be read the third time.

The provisions of the Constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,	R. F. Hutchinson,	R. S. Rector,
Robert H. Anderson,	W. Harrison Isaacs,	G. T. Reynolds,
Louis W. Arnett,	J. H. Jackson,	Isaac G. Rice,

Elliott B. Beard,	W. J. Jackson,	W. H. Shanks,
J. W. Berkshire,	T. C. Jackson,	John T. Shanklin,
O. Houston Brooks,	W. H. Jones,	S. Albert Shanklin,
Frank J. Brown,	W. F. Klair,	Robert C. Simmons,
W. N. Brown, Jr.,	W. L. Kimbrough,	J. A. Sloan,
J. T. Buford,	Cleves G. Kinkead,	John L. Smith,
C. C. Chase,	E. W. Lillard,	Sawyer A. Smith,
J. Will Clay,	Hugh Mahin,	R. E. Stewart,
H. K. Cole,	J. B. Maynard,	J. W. Stump,
Dr. C. F. Crecelius,	W. C. McChord,	J. B. Swann,
W. A. B. Davis,	Emanuel Meyer,	D. P. Taggart,
Thurman B. Dixon,	H. L. Myers,	Eugene W. Tandy,
W. F. Edmunds,	Duncan Milliken,	C. S. Templeman,
Robert Enlow,	Chris Mueller,	Wm. M. Thompson,
John Feland.	Jesse F. Nichols,	Geo. C. Waggoner,
F. E. Graves,	A. C. Oliver,	John P. Wallace,
R. L. Gwathmey,	C. C. Patrick,	Harry Weitkamp,
C. W. G. Hannah,	W. V. Perry,	W. R. Whitlow,
John P. Haswell, Jr.	G. L. Perryman,	W. C. Wynn,
W. W. Hopkins,	John C. Pirtle,	Geo. S. Wilson
R. Dillard Hunter,	J. F. Porter,	J. Hal Woodford,
F. M. Hutcheson Jr.		—73

Resolved, That the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled;

S. B. 254. An act for the benefit of the Kentucky School for the Deaf.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated out of the general revenue of

the State for the benefit of the Kentucky School for the Deaf at Danville, Kentucky, the following named sums for the specific purposes named and set out herein, as follows:

§ 1. Whereas, Under the act of March 6, 1906, the sum of $5,800.00 was appropriated to enlarge the pupil's dining room, to build a store room, pantry and bakery; and whereas, said improvements cost, when completed, the sum of $7,826.03 as shown by the report of the Board of Commissioners of said school; and whereas, under said act the sum of $7,500.00 was appropriated for the installation of an electric light plant, for wiring the buildings, and for fixtures for same; and whereas, the cost of said plant complete was $7,824.09, therefore, for the purpose of paying said deficits and balance due and owing by said school for these improvements, the sum of $2,350.12 is hereby appropriated.

§ Whereas, The trads building is now overcrowded and needs to be enlarged in order to admit a larger number of pupils who could by employed in this department the sum of $5,100 is hereby appropriated for the purpose of building additions to same.

§ 3. For the purpose of adding bath rooms and water closets to the hospital for contagious diseases, and for equipping same with steam heat, the sum of $850 is appropriated.

§ 4. For the purpose of putting in concrete floors under main building to replace the wooden floors which are now in bad state of repair, the sum of $1,100.00 is hereby appropriated.

§ 5. Whereas, The school has eighty-five acres of land lying mostly within the city limits and a large part of which needs new fencing, therefore, the sum of $1,600.00 is hereby appropriated for this purpose.

§ 6. Whereas, The school is greatly in need of furniture and equipment of this nature to replace the old beds, bedding, linoleums and other furnishings, the sum of $2,200.00 is hereby appropriated.

§ 7. Whereas, Much of the plumbing in the main buildings is now old and out of date and should be renewed at once to preserve the health of the pupils of the school, therefore, the sum of $1,000.00 is hereby appropriated for said purpose.

§ 8. For the purpose of purchasing a twenty-horse power engine, a new mangle, and other machinery for the laundry, the sum of $1,485.00 is hereby appropriated.

§ 9. For the purpose of putting in new steel ceilings in four large dormitories, the sum of $750.00 is hereby appropriated.

§ 10. For the purpose of completing bakery, and to purchase oven for same, the sum of $1,100.00 is hereby appropriated.

11. Whereas, There are now about one hundred indigent pupils, largely dependent upon the school for clothing and traveling expenses; and whereas, there are many other deaf childern in the various parts of the state who can not come to school for a lack of clothing and have no means for traveling expenses; and whereas, the school now receives for this purpose only $300.00 per annum from the State, therefore, the sum of $2,500.00 is hereby annually appropriated in addition to the sum already received for this purpose.

§ 12. For the purpose of employing a special teacher for the education of the deaf-blind children of the State, during the time they may be in school, the sum of $600.00 is hereby annually appropriated.

§ 13. For the purpose of keeping the buildings and grounds of the school in a good state of repair at all times, the sum of $2,500.00 is hereby annually appropriated for repairs and improvements.

§ 14. The money hereby appropriated shall be drawn on the demand or application of the board of commissioners of said school, and upon said application or demand duly signed by the president, treasurer and secretary of said board, being made to and upon him, the Auditor of Public Accounts shall draw his warrant or war-

rants on the Treasurer of the State in favor of the Treasurer of the Kentucky School for the Deaf, for any sum or sums not exceeding the amounts hereby appropriated; and no part of said money shall be expended by said board, except for the purposes as above set forth. Because of the urgent need of the improvements herein provided for, and emergency is declared to exist, and this act shall take effect from and after its approval by the Governor.

Ordered, That said bill be read the third time.

The provisions of the constitution as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Robert H. Anderson,
Louis W. Annett,
Elliott B. Beard,
J. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.,
J. T. Buford,
C. C. Chase,
J. Will Clay,
H. K. Cole,
Denver B. Cornett,
Dr. C. F. Crecelius,
W. A. B. Davis,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
J. H. Jackson,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
W. C. McChord,
Emanuel Meyer,
Duncan Milliken,
Chris Mueller,
Jesse F. Nichols,
A. C. Oliver,
C. C. Patrick,
Isaac G. Rice,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
S. Albert Shanklin,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
J. W. Stump,
J. B. Swann,
D. P. Taggart,
Eugene W. Tandy,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,

Thos. E. Finley,	W. V. Perry,	Harry Weitkamp,
F. E. Graves,	G. L. Perryman,	W. R. Whitlow,
C. W. G. Hannah,	John C. Pirtle,	W. C. Wynn,
R. Dillard Hunter,	J. F. Porter,	Geo. S. Wilson,
F. M. Hutcheson Jr.	R. S. Rector,	J. Hal Woodford,-73
R. F. Hutchinson,		

Those who voted in the negative were—

G. T. Reynolds, A. T. Lee.

Resolved, That the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 10. An act to provide for the location, erection, organization and management in Kentucky of a State sanatorium for the care and treatment of tuberculosis, and making an appropriation for the purchase of the necessary land and the construction and equipment of necessary buildings and making an appropriation for the maintenance of the sanatorium.

Said bill is a follows:

Be it enacted by the General Assembly of the Commonwealth Kentucky:

§ 1. That a State Sanatorium for the cure and treatment of persons suffering from tuberculosis, in some suitable location in Kentucky, be, and the same is hereby established to be known as "The Kentucky State Tuberculosis Sanatorium."

§ 2. For the purchase and location of a site for said sanatorium

and the construction of appropriate buildings to accommodate the patients, officers and employers of said institution, with all necessary heating, lighting, water supply and drainage appliances, and all necessary furniture and furnishings and equipment, there is hereby appropriated the sum of seventy-five thousand ($75,000) dollars, to be paid out of any moneys in the treasury not otherewise appropriated. The moneys herein appropriated shall be paid from the State treasury to the parties to whom they become due on warrants of the State auditor, and the said auditor is hereby authorized and required to draw the said warrants for moneys due under this act, upon the order of the board of trustees of said sanatorium, accompanied by vouchers approved by the Governor of the State.

§ 3. The sum of thirty thousand ($30,000) dollars, annually, or so much thereof as shall be necessary, is hereby appropriated to pay the running expenses and maintenance of the said sanatorium, said appropriation to be available on the passage of this act, upon the warrants of the auditor, and the auditor is hereby authorized and directed to draw said warrant for said money, payable to a secretary and treasurer of the sanatorium, upon the order of the board of trustees of same, certified to by the president, and attested by the secretary and treasurer, with the seal of the sanitorium affixed.

§ 4. The government of said sanatorium shall be vested in a board of trustees, to consist of six residents of the State, men and women. At least two of these trustees shall be legally registered physicians, and not more than half the number shall be of the same political party. Within ten days after this act shall be in force and effect the Governor, by and with the advice and consent of the Senate, shall appoint the trustees. The term of office of each trustee shall be six years; the terms of two members of said board expiring every two years, and the first appointments shall be made for the respective terms of two, four and six years, and thereafter there shall be appointed by the Governor, with the consent of the Senate, two members every two years. A trustee shall

hold office until his or her successor is appointed and qualified. All appointments made by the Governor, when the Senate is not in session, shall be valid until such appointments are confirmed by the Senate. Any vacancy occurring in said board shall be filled in like manner for the unexpired term.

§ 5. For the purpose of this act the board of trustees and their successors in office shall be a body corporate, with all the powers necessary to carry into effect the purposes of this act. Said trustees, as soon as possible after their appointment and qualification, shall adopt a seal, organize by electing a president and a secretary and treasurer, to serve for two years and until their successors are elected and qualified; but the same person shall be elected to serve both as secretary and treasurer, and need not be a member of the board of trustees; and said secretary and treasurer shall give bond to the people of the State of Kentucky for the faithful performance of his trust, and for the proper handling and accounting or all of the properties, assets and moneys of the institution that may come into his hands at any time, in such sum and in such form and with such sureties as the board of trustees shall approve. Said secretary and treasurer may at any time be removed and his successor be appointed by said board of trustees, in its discretion. A majority of the board of trustees shall constitute a quorum.

§ 6. Said board of trustees shall have the general control of the property and affairs of the sanitorium, and shall take such action as shall be necessary to carry out the purposes of this act, select a site for said sanatorium in such part of the State as in their judgment shall be best adapted to the wants of the institution and most economical to the State, having regard in the selection to elevation, climate, water supply, drainage, facility of access, quality of soil and price asked for the land. Said site shall contain not less than one hundred and fifty (150) acres of land. The trustees may accept on behalf of the State any gifts in money, freights, lands or other property, but such donations shall not be received

or accepted as the consideration in whole or in part for the location of the sanatorium at any particular place.

§ 7. The members of the board of trustees shall receive no compensation for their services, but the account of any of them for expenses incurred in the performance of their duties shall be audited by the board of trustees, certified by the president and secretary, and paid by the secretary and treasurer.

§ 8. There shall be a thorough visitation of said sanatorium by two of the trustees thereof monthly, and by the whole board annually. On each of these occasions a written report of the state of the institution shall be substituted to them by the superintendent of the sanatorium. On the first of June in each year there shall be held the regular annual meeting of the board of trustees, at which the superintendent of the sanatorium and the secretary and treasurer thereof shall each submit a report of the affairs of the sanatorium; and the secretary and treasurer shall also submit a statement of his accounts, and the reports of the superintendent and secretary and treasurer, and the latter's statements of accounts shall be transmitted by the board, with their annual report, to the Governor for publication by the State Auditor.

§ 9. The board of trustees shall appoint a medical superintendent of the sanatorium for tuberculosis not a member of said board, who shall be a legally qualified physician. He shall be a graduate in medicine and surgery from some medical college, recognized as in good standing by the State Board of Health, and of acknowledged skill in his profession, and must have had special training and experience in a hospital or sanatorium for tuberculosis and such medical superintendent shall, in all matters pertaining to the sanatorium, be under the general supervision of the board of trustees, who may remove him at any time and appoint his successor.

§ 10. The board of trustees shall have power to establish such

by-laws as it may deem necessary and expedient from time to time for defining the duties of officers, assistants or employes, for fixing the conditions of admission to the institution, support and discharge of patients, and for conducting in proper manner the professional and business affairs of the sanatorium and also to ordain and enforce a suitable system of rules and regulations for the internal government, discipline and management of the sanatorium.

§ 11. There shall be received into said sanatorium such persons as shall be proved, by proper bacteriological or clinical examination, to be suffering from tuberculosis, provided said person shall have been a resident of Kentucky for at least twelve months; and any person unable to pay for maintenance may be admitted to the sanatorium by the superintendent on written application of the county judge of the county of which such individual is a resident, stating the evidence of disease has been certified to him, as hereinbefore provided, and accompanying said application with a certified copy of the said evidence. No more shall be admitted to the said institution than can be properly taken care of and treated; and each county of the State shall have the right to have admitted its proper and proportionate number of patients, taking into consideration its proportionate population towards the other counties of the State.

§ 12. If at any time the accommodations of the sanatorium will permit the cure and treatment of patients in excess of the indigent patients sent by the various counties, as hereinbefore provided, persons suffering from tuberculosis who are unable to pay for their case and maintenance, or who have persons or kindred bound by law to maintain them, may be admitted to the sanatorium, and the charges for the support and care of such patients shall be paid to the medical superintendent by such patients, persons or kindred, at a rate to be determined by the board of trustees of said sanatorium. But before such persons shall be admitted they shall pre-

sent to the medical superintendent a certificate of a clinical or bacteriological examination of some legally qualified physician of good standing, showing that they are afflicted with tuberculosis.

§ 13. The medical superintendent shall be the chief executive officer of the sanatorium. He shall have the genral superintendence of the buildings, grounds, furniture, fixtures, stock and the direction and control of all persons therein, subject to the by-laws and regulations which have been prescribed by the board of trustees. He or his representative shall daily ascertain the condition of each and all the patients and prescribe or direct their treatment. He shall cause full and fair records of all his official acts and the entire business and operation of the sanitorium to be kept regularly from day to day in books provided for that purpose, in the manner to the extent prescribed by the by-laws; and he shall see that all the accounts and records are fully made up to the last day, and present the same to the board of trustees at their annual meeting. It shall be the duty of the medical superinendent to admit any member of the board of trustees at any time into every part of the sanatorium and to exhibit to him or them on demand all the books, papers, accounts and writings belonging to the sanatorium, or pertaining to its business management, discipline or government also furnish copies, abstracts and reports whenever required so to do by the board. He shall make, in a book kept for that purpose, at the time of reception of patients a record of the date of same and name, age, residence, occupation and such other statistics in regard to every patient admitted to the sanatorium as the by-laws may require. The medical superintendent shall have power to appoint, with the advice and consent of the board of trustees, whenever in their discretion it seems necessary, an assistant physician or physicians, each of whom shall be a legally qualified physician, a graduate in medicine and surgery from such medical college, recognized as in good standing by the State Board of Health, and of acknowledged skill in the medi-

cal profession. The medical superintendent shall also have power to remove such assistant physician or physicians, with the consent of the board of trustees. The medical superintendent shall have the power and authority to employ any servants or employes at the sanatorium, all of whom shall be under his direct supervision, and any of whom may be removed by him at will. All moneys collected by the medical superintendent shall be immediately paid over by him to the secretary and treasurer of the sanatorium, and his receipt taken therefor.

§ 14. The secretary and treasurer shall have the custody of all moneys, bonds, notes, mortgages and other securities and obligations belonging to the sanatorium, and moneys shall be disbursed only for the uses and purposes of the sanatorium and in the manner precribed by the by-laws on itemized vouchers allowed by the board of trustees, and so certified by the President and Secretary of the Board. He shall keep full and accurate accounts of all receipts and payments in the manner directed in the by-laws and such other accounts as the board of trustees shall prescribe; he shall render statements of accounts of the several books, and of the funds of other property in his custody whenever required so to do by the board of trustees. He shall have all accounts and records pertaining to his office fully made up to the last day of May, and present the same to the board of trustees at their annual meeting in June.

§ 15. Said commissioners shall as early as practicable after their appointment enter upon negotiations with the owners of the Crab Orchard Springs property, located in Lincoln county, Kentucky, for the purchase of the same for the Commonwealth of Kentucky as a suitable location for said sanatorium. They are authorized to visit and personally inspect same and may purchase it if in their discretion they deem it a suitable location. Provided, however, that same can be purchased and a good and perfect title obtained to the State at not exceeding $42,000. Said commissioners

shall examine or cause to be examined the title to the property, and if they purchase same they shall certify the amount and the names or name of the parties entitled thereto, stating what it is for, to the Auditor of Public Accounts, who shall thereupon draw his warrant on the Treasurer therefor, to be paid out of the sum herein appropriated and in favor of the person or persons entitled thereto. They shall require the owner or owners to execute to the Commonwealth of Kentucky a good and sufficient deed of conveyance with a covenant of general warranty, which shall be duly acknowledged before a proper officer, and they shall cause the same to be recorded in the office of the clerk of the Lincoln County Court, and deliver the original deed to the Secretary of State, who shall properly preserve same.

§ 16. If said commissioners shall purchase said property they shall at once report said fact to the Governor and Auditor, and they shall have the buildings insured in some solvent insurance company for a period of time within their discretion, deposit the policy with the Secretary of State, and provide for the payment of the premium in like manner as is provided herein for the payment of per diem and expenses.

§ 17. The trustee appointed under this act may purchase the property known as Keane-Zee Springs, situated at Buffington, Ky.

Mr. Hutcheson offered the following amendment to said bill:

Amend by adding the following: Provided, however, that all buildings to be used as herein stated shall be erected after the passage of this act, and no old buildings shall be used for the purposes herein named in said bill.

Said amendment was disagreed to.

Mr. Graves offered the following amendment to said bill:

Amend by striking out sections 15, 16 and 17.

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Graves and F. M. Hutcheson were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	**C. W. G. Hannah,**	S. Albert Shanklin,
J. W. Berkshire,	F. M. Hutcheson Jr.	John S. Steers,
P. W. Berkshire,	J. H. Jackson,	J. W. Stump,
O. Houston Brooks,	W. J. Jackson,	J. B. Swann,
Frank J. Brown,	Hugh Mahin,	Eugene W. Tandy.
H. K. Cole,	W. C. McChord,	C. S. Templeman,
Dr. C. F. Crecelius,	Duncan Milliken,	Wm. M. Thompson,
Robert Enlow,	Jesse F. Nichols,	**Geo. C. Waggoner,**
Thos. E. Finley,	W. V. Perry,	John P. Wallace,
S. L. Givan,	John C. Pirtle,	E. E. Wash,
F. E. Graves,	J. F. Porter,	W. R. Whitlow.—35
R. G. Gwathmey,	G. T. Reynolds,	

Those who voted in the negative were—

Robert H. Anderson,	John Feland,	R. S. Rector,
Louis W. Arnett,	R. Dillard Hunter,	Gus W. Richardson,
Elliott B. Beard,	R. F. Hutchinson,	H. A. Schoberth,
F. Pierce Blair,	W. H. Jones,	W. H. Shanks,
W. N. Brown, Jr.,	W. F. Klair,	John T. Shanklin,
J. T. Buford,	W. L. Kimbrough,	Robert C. Simmons,
Albert Butler,	Cleves C. Kinkead,	**J. A. Sloan,**
C. C. Chase,	A. T. Knox,	John L. Smith,
J. Will Clay,	A. T. Lee,	Sawyer A. Smith,
W. A. Cope,	E. W. Lillard,	R. E. Stewart,
Denver B. Cornett,	Jasper D. Lowder,	Harry Weitkamp,
John T. Davis,	J. B. Maynard,	W. C. Wynn,
W. A. B. Davis,	Emanuel Meyer,	Geo. S. Wilson,—43
Thurman B. Dixon,	Chris Mueller,	
Wm. E. Dowling,	G. L. Perryman,	

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and placed upon its passage.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson,	T. C. Jackson,	Gus W. Richardson,
Louis W. Arnett,	W. H. Jones,	H. A. Schoberth,
Elliott B. Beard,	W. F. Klair,	W. H. Shanks,
W. N. Brown, Jr.,	Cleves G. Kinkead,	Robert C. Simmons,
J. Will Clay,	E. W. Lillard,	J. A. Sloan,
H. K. Cole,	Jasper D. Lowder,	John L. Smith,
W. A. Cope,	Wm. S. Markolf,	John S. Steers,
Denver B. Cornett,	J. B. Maynard,	W. H. Strange,
John T. Davis,	Emanuel Meyer,	Eugene W. Tandy.
W. A. B. Davis,	Chris Mueller,	Harry Weitkamp,
Thurman B. Dixon,	A. C. Oliver,	W. C. Wynn,
Wm. E. Dowling,	G. L. Perryman,	Geo. S. Wilson.—40
John Feland,	R. S. Rector,	
Thos. E. Finley,	Isaac G. Rice,	

Those who voted in the negative were—

A. A. Allphin,	C. W. G. Hannah,	J. F. Porter,
J. W. Berkshire,	R. Dillard Hunter,	G. T. Reynolds,
P. W. Berkshire,	F. M. Hutcheson Jr.	John T. Shanklin,
F. Pierce Blair,	J. H. Jackson,	S. Albert Shanklin,
O. Houston Brooks,	W. J. Jackson,	Sawyer A. Smith,
Frank J. Brown,	W. L. Kimbrough,	R. E. Stewart,
J. T. Buford,	A. T. Knox,	J. W. Stump,
Albert Butler,	A. T. Lee,	J. B. Swann,
C. C. Chase,	Hugh Mahin,	D. P. Taggart,
Dr. C. F. Crecelius,	W. C. McChord,	C. S. Templeman,
W. F. Edmunds,	Duncan Milliken,	Wm. M. Thompson,
Robert Enlow,	Jesse F. Nichols,	John P. Wallace,
S. L. Givan,	C. C. Patrick,	E. E. Wash,
F. E. Graves,	W. V. Perry,	W. R. Whitlow,—44
R. G. Gwathmey,	John C. Pirtle,	

And so said bill was disagreed to.

Mr. Sawyer A. Smith moved to reconsider the vote by which the House refused to pass said bill.

Mr. Sloan moved that the House do now take a recess until 7:30 o'clock.

Said motion was agreed to.

EVENING SESSION.

At 7:30 o'clock p. m. the House met pursuant to a motion adopted at the close of the afternoon session.

The House took up for consideration Senate Bill No. 10, which was being considered when the House took the recess.

The motion of Mr. S. A. Smith to reconsider the vote by which the House refused to pass said bill was agreed to.

Mr. Shanks moved to reconsider the vote by which said bill was ordered to its third reading.

Said motion was agreed to.

Mr. Shanks moved to reconsider the vote by which the amendment as proposed by Mr. Graves was disagreed to.

Said otion was agreed to.

Pending the consideration of said bill, Mr. McChord offered the following resolution:

Whereas, it is impossible for this House to determine the necessity, propriety or probable cost of constructing a State sanatorium for the cure or treatment of tuberculosis; therefore.

Resolved, that the Governor be and he is requested to appoint a commission consisting of three persons to consider the propriety of the State making an appropriation for said purpose, and if favorable

to such enterprise said commission will receive propositions as to the sale of suitable real estate and will report the probable cost and plans of suitable buildings, and will report such other facts as it may deem proper, and such commission will report to the next General Assembly. Therefore,

Resolved, that the consideration of this bill be postponed indefinitely.

Mr. Sloan moved that said resolution lie on the table.

Said motion was agreed to.

The amendment heretofore proposed to said bill by Mr. Graves was agreed to.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title, and, as amended, was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,	W. F. Edmunds,	Jesse F. Nichols,
Robert H. Anderson,	John Feland,	C. C. Patrick,
Louis W. Arnett,	Thos. E. Finley,	G. L. Perryman,
Elliott B. Beard,	S. L. Givan,	R. S. Rector,
Frank J. Brown,	F. E. Graves,	Isaac G. Rice,
W. N. Brown, Jr.,	R. G. Gwathmey,	Gus W. Richardson,
J. T. Buford,	Robert L. Harris,	W. H. Shanks,
J. Will Clay,	F. M. Hutcheson Jr.	S. Albert Shanklin,
W. A. Cope,	T. C. Jackson,	Robert C. Simmons,
Denver B. Cornett,	W. F. Klair,	J. A. Sloan,
Dr. C. F. Crecelius,	Cleves G. Kinkead,	Sawyer A. Smith,

John T. Davis,	A. T. Knox,	R. E. Stewart,
W. A. B. Davis,	E. W. Lillard,	W. H. Strange,
Henry H. Denham,	J. B. Maynard,	Geo. C. Waggoner,
Thurman B. Dixon,	Emanuel Meyer,	W. C. Wynn,
Wm. E. Dowling,	**H. L. Myers,**	Geo. S. Wilson,
J. A. Duff,	Duncan Milliken,	J. Hal Woodford,—51

Those who voted in the negative were—

J. W. Berkshire,	W. J. Jackson,	John T. Shanklin,
P. W. Berkshire,	W. H. Jones,	John L. Smith,
F. Pierce Blair,	W. L. Kimbrough,	J. W. Stump,
O. Houston Brooks,	A. T. Lee,	J. B. Swann,
Albert Butler,	Jasper D. Lowder,	D. P. Taggart,
C. C. Chase,	Wm. S. Markolf,	Eugene W. Tandy,
Robert Enlow,	W. C. McChord,	Wm. M. Thompson,
C. W. G. Hannah,	John C. Pirtle,	John P. Wallace,
R. Dillard Hunter,	J. F. Porter,	E. E. Wash,
R. F. Hutchinson,	G. T. Reynolds,	W. R. Whitlow,—30

Resolved, that the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 175. An act to amend section 78 of an act entitled, An act for the government of cities of the fourth class, approved June 28, 1893, being section 3562 of the Kentucky Statutes, 1903, Carroll's edition.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 78, of an act entitled, "An act for the government of cities of the fourth class," approved June 28, 1893, said section being section 3562, of the Kentucky Statutes, 1903, Carroll's

edition, be, and the same is hereby amended, so that said section, when amended shall read as follows:

"The Board of Council may, by ordinance, cause any new public way to be opened or old public way to be extended or widened or closed, or may establish any market, and to that end may purchase any necessary land, or may procure the same to be condemned by the same proceedings, now or hereafter, given by law to railroad companies in like cases.

"Upon the adoption of an ordinance by the Board of Council, authorizing and directing the closing of the whole or any portion of a public way within the limits or jurisdiction of the city, it shall be the duty of the City Attorney to institute an action in the circuit court for the purpose of having the same closed, and to such action all the owners of ground in the squares or lots divided by such public way, or the portion thereof proposed to be closed, shall be made defendants; and if all such defendants are competent to act for themselves and fail to object to the closing prayed for, then the court shall render a decree accordingly; but if any of said defendants object, or are under disability other than coverture, the court shall empanel a jury, which shall hear evidence and determine the amount of compensation in the form of damages to be paid to each of said defendants. The court shall thereupon direct that said public way be closed upon payment to each of such defendants the amount of damages awarded to him; or if any defendant refuses to accept such payment, or be for any reason unable to do so, upon payment into court of the amount awarded such defendant or defendants.

"It shall be the duty of the court to give such proceedings precedence of all other cases, so that prompt decisions may be rendered therein."

§ 2. Inasmuch as there is at present no method prescribed by law for the closing of public ways in cities of the fourth class, and it is desirable, in view of public improvements in such cities, that the

procedure in such cases be prescribed at once, an emergency is hereby declared to exist, and this act shall take effect from its passage and approval.

Mr. Simmons offered the following amendments to said bill:

1. Amend by inserting after the 32d line in paragraph 1 the following: "The provisions of this act shall not extend to streets enclosed by fence or otherwise, or the possession of which is held by individuals or private corporations."

2. Amend by inserting after the words "each of such defendants" in line 24 of section 1 the following: "The jury shall also determine the amount of compensation, if any, to which said city and the public may be entitled by reason of the closing up of such public way, which shall be paid said city."

3. Amend by striking out in lines 17 and 18, section 1, the following: "Or the portion thereof proposed to be closed."

Said amendments were agreed to.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title, and, as amended, was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows,

Those who voted in the affirmative were—

Elliott B. Beard,	C. W. G. Hannah,	W. V. Perry,
J. W. Berkshire,	Robert L. Harris,	G. L. Perryman,
P. W. Berkshire,	R. Dillard Hunter,	John C. Pirtle,
O. Houston Brooks,	F. M. Hutcheson Jr.	J. F. Porter,
Frank J. Brown,	R. F. Hutchinson,	Gus W. Richardson,
J. T. Buford,	J. H. Jackson,	W. H. Shanks,

C. C. Chase,
J. Will Clay,
H. K. Cole,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
Robert Enlow,
F. E. Graves,
R. G. Gwathmey,
W. J. Jackson,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
E. W. Lillard,
Hugh Mahin,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Chris Mueller,
Jesse F. Nichols,
A. C. Oliver,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
W. H. Strange,
J. W. Stump,
D. P. Taggart,
Eugene W. Tandy.
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
L. E. Wash,
W. C. Wynn,
Geo. S. Wilson.—62

Those who voted in the negative were—

Louis W. Arnett,
John Feland,
John P. Haswell, Jr.
Wm. S. Markolf,
R. S. Rector,
Isaac G. Rice,
John T. Shanklin,
S. Albert Shanklin,
J. B. Swann,
W. R. Whitlow,
J. Hal Woodford,-11

Resolved, that the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 44. An act to provide for the appointment of two additional assistant of coal mines, and to provide for the examination of applicants for certificates of qualification to serve as foremen in coal mines and require that only persons possessing such certificates of qualification, or possessing service certificates shall be employed as such foremen, and to require the employment of special shot-firers in coal mines wherein explosive gases or coal dusts generate or exist in dangerous quantities, and to otherwise provide for greater protection to the lives and health of persons employed in the coal mines of this State.

Said bill is as follows:

Whereas, the number of coal mines in Kentucky has within recent years largely and will continue to increase rapidly, rendering it physically impossible for the present inspection force of the office of Inspector of Mines to inspect all the coal mines as often as proper care for the safety and health of persons employed in such mines would require, and

Whereas, experienec has shown the necessity of improving the grade of qualifications for persons employed as foremen in coal mines, and has also shown the dangers of blasting in the presence of explosive gas and fine coal dust, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Governor of this Commonwealth is hereby authorized and directed to appoint two additional assistant inspectors of mines, who shall hold office for four years and until their successors are appointed and qualified. Said assistants shall have a thorough knowledge of the differnt systems of working and ventilating coal mines and of the nature and properties of mine gases, especially of explosive gases and dust, and shall have a thorough and practical knowledge of mining gained by at least five years' experience at and in coal mines. Said assistant inspectors, before entering upon the discharge of their official duties, shall be sworn to discharge those duties faithfully and impartially and to the best of their skill and ability, which oath shall be certified by the officer administering it and said certificate shall be filed with the Secretary of State in his office, and each of said assistants shall give bond in the sum of two thousand dollars, with surety to be approved by the Governor, for the faithful discharge of his official duties. Each of said assistants shall give his entire time and attention to the duties of his office, which shall consist of aiding, under the direction of the Chief Inspector of mines, in carrying

out and enforcing the provisions of the laws relating to the inspection of mines. He shall keep a record of all inspections made by him and shall make monthly reports of the same to the Chief Inspector and he shall at all times in all things pertaining to the duties of his office be subject to the orders of the Chief Inspector. No assistant inspector shall be interested in operating any mine in this State and each shall be liable to dismissal for wilful ntglect of duty, for misconduct, or malfeasance in office. Each assistant inspector shall receive an annual salary of twelve hundred dollars, payable monthly, and shall likewise be allowed and paid his necessary traveling and other expenses incurred on account of and when engaged in the discharge of his official duties.

§ 2. The Chief Inspector of mines and any two of his assistants shall constitute a Board of Examiners for the examination of applicants for certificates of qualification to serve as foreman in coal mines, said two assistants to be designated and called into service at any time by the said Chief Inspector; and said Chief Inspector may on any occasion call any two assistant inspectors he may choose to act upon said Board for such purpose, and act at any time when his duty as chief inspector of mines necessitates his absence from the examination of applicants such applicants may be examined by any two assistant inspectors which the Chief Inspector may designate, provided he shall be careful to designate only such assistants as examiners in his absence as he shall know to be thoroughly equipped and qualified to act as such examiners. Said Board shall meet at such time and places as the Chief Inspector of Mines shall from time to time order, and for their services as examiners they shall receive no extra compensation, but only the salary and traveling expenses as now provided by law, that is their services as examiners shall be reckoned and in fact shall be considered and treated as part of the duties of their office.

§ 3. Six months after this act goes into effect no owner, lessee or operator of a coal mine in which as many as ten persons are em-

ployed at one time shall employ as mine foreman any person who has not been granted a certificate of qualification to the effect that he has been examined by the Board of Examiners provided for in the preceding section of this act and has been found fit and competent as herein required; and said Board of Examiners shall in no event grant any certificate to any person who does not satisfy said Board that he is a person of good moral character and of his sobriety, and that he possesses a thorough knowledge of the different systems of working and ventilating coal mines, and of the nature and properties of mine gases, dust and fire-damp, and shall have a thorough and pratical knowledge of mining gained by at least five years' experience in and at mines; Except and provided, that any preson who for four years prior to the passage of this act has served continuously as mine foreman or assistant mine foreman in coal mines may upon application therefor and upon satisfactory evidence presented to said Board of Examiners as to his term of service and as to his character for morality and sobriety, be granted a certificate of qualification without such examination, which certificate shall be known as a "service certificate" and shall be so designed on its face. Each applicant for examination shall, before he is examined, pay a fee of two dollars and fifty cents to the Auditor of Public Accounts, who shall issue his receipt therefor, which receipt the applicant shall present to the Chief Inspector of Mines, or to such member of the Board as may at the time be designated to receive the same, and each applicant for a "service certifiacte" shall likewise pay a fee of two dollars and fifty cents to the Auditor of Public Accounts and shall likewise present the Auditor's receipt before such certificate may be issued to him; and all fees so paid shall be turned into the Treasury to the credit of the general expenditure fund. The Chief Inspector shall keep a record of all the proceedings of the Board, including the names and addresses of persons who apply for examination or for "service certificates," and of the certificates that have been granted; and the Board is hereby authorized to cancel any certificate upon satisfactory evidence that the person to whom it has been issued has been guilty

of violating instructions to comply with the requirements of the mining laws, or who has proven inefficient. The certificate to be granted to applicants who pass the examination herein provided for shall in substance state that the applicant has been examined under the provisions of this act and has been found to possess the qualifications required by law. The Chief Inspector shall formulate the necessary blank certificates and cause same to be printed by the Public Printer in such quantities as may be needed from time to time. All mine foremen employed by the owner, lessee or operator of any mine to which this act applies shall for all purposes be the agent and servant of the owner, lessee or operator employing him, and they shall not by any provisions of this act be relieved from liability for his acts or omissions.

§ 4. In all coal mines in this State in which as many as ten persons are usually employed at one time, wherein explosive gases are known to generate or exist in dangerous quantities, or coal dust is known to accumulate or exist in dangerous quantities, the owner, lessee or operator shall, when so ordered by the Chief Inspector of Mines, or by an Assistant Inspector of Mines, when approved by the Chief Inspector, employ and keep a sufficient number of practical and experienecd men, to be known and designated as "shot firers," whose exclusive duty it shall be to set off and discharge the shots in all blastings in the working, blasts fired, the number of shots or blasts failing to explode, in his judgment, after due inspection, shall not be a workmanlike and practical shot.

§ 5. Said shot firers shall immediately after the completion of their work post a notice in a conspicious place at the mines in which shall be indicated the number of shots fired, also the number of shots they did not fire, if any, specifying the number of the room and the designation of the entry and give their reasons for not firing the same. The owner or operator of said mines shall provide reasonable and proper means for posting said notice. Said "shot-firers" shall also keep a daily permanent record in a book, to be furnished them by said

owner or operator, in which they shall enter the number of shots or of the said mines, but no "shot-firer" shall fire any shot in which number of "blown-out" shots, and the number of shots or blasts that in their judgment were not properly prepared and which they refused to fire, giving their reasons for the same. Said records shall be in the custody of the mine manager or superintendent and shall be available to inspection at all reasonable times by parties interested, and shall be open for inspection by the Chief Inspector of Mines and the Assistant Inspectors. Said "shot-firers" shall be treated and considered as employes and agents of said owner or operator.

§ 6. Said "shot-firers" shall not do any blasting or exploding of shots or firing whatever until each and every miner and employe is out of the mine, except said "shot-firers," mine superintendent, mine manager, mine foreman and the person or persons necessarily employed in charge of pumps and stables in said mines, and any person in said mine, whose duty it is to go usually engaged in such employment it is the duty of said miners place under the provisions of this act who willfully fails or refuses to go out of said mine as herein provided shall be fined in any sum not exceeding fifty dollars in the discretion of the court or jury.

§ 7. When deemed necessary by the Chief Inspector or by an Assistant Inspector, it shall be the duty of the owner, lessee or operator of every mine subject to the provisions of the mining laws of this State to provide at least six hundred cubic feet of air per minute for each mule employed in said mine, in addition to the quantity per minute now required by law for each person employed in said mine.

§ 8. Each owner, lessee or operator of every mine to which the mining laws of this State apply shall provide and furnish to the miners employed in said mine a sufficient number of caps and props, said props to be sawed square at each end, to be used by said miners in securing the roof of their rooms, and at such other working places where by law or custom of those out of said mine before said

firing, blasting and exploding takes to keep roof propped, after the miner has selected and worked the same.

§ 9. Except as herein otherwise provided, any wilful neglect or failure or refusal of any owner, lessee or operator of a coal mine, or of any person employed in such mine, to comply with the provisions of this act affecting such owner, lessee, operator or person, or any attempt to obstruct or interfere with any person in the discharge of the duties imposed upon such person, shall be deemed a misdemeanor, punishable by a fine of not less than one hundred dollars and not more than two hundred dollars.

§ 10. Since it is important that the persons employed in the coal mines of the State shall receive the protection afforded by the provisions of this Act at the earliest date possible, an emergency is hereby declared and this act shall go into effect upon its approval by the Governor.

Mr. Wilson offered the following amendments to said bill:

Amend by adding the following to section 1 after the word "duties" in line 32:

"But before any person or persons shall be appointed as such Assistant Mine Inspector he shall be required to pass a satisfactory examination before the Board of Examiners hereinafter named and shall be required to obtain from such Board of Examiners a certificate duly signed by the members thereof, certifying to the Governor that said applicant possesses all of the qualifications hereinbefore mentioned."

Amend section 4 on page 6 by striking out the word "the" in line 11 and adding after the word "explode" in said line these words: "That in."

Amend section 4 by striking therefrom the word "exclusive" in line 9 on page 6.

Amend by striking out the word "continuously" in line 16, on page 4, in section 3.

Amend by striking out all of section 1 on page 7.

Amend section 3 on page 5 by striking out the following: "All mine foremen employed by the owner, lessee or operator of any mine to which this act applies shall for all purposes be the agent and servant of the owner, lessee or operator employing him, and they shall at length being dispensed with, said bill was read the third time by its title, and as amended, was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows, viz.:

Those who voted in the affirmative were—

A. A. Allphin,
Robert H. Anderson,
J. W. Berkshire,
P. W. Berkshire,
F. Pierce Blair,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.,
J. T. Buford,
Albert Butler,
J. Will Clay,
H. K. Cole,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
Robert Enlow,
Thos. E. Finley,
F. E. Graves,
R. L. Gwathmey,
Robert L. Harris,
R. Dillard Hunter,
F. M. Hutcheson Jr.
R. F. Hutchinson,
J. H. Jackson,
W. F. Klair,
A. T. Knox,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
H. L. Myers,
Chris Mueller,
Jesse F. Nichols,
A. C. Oliver,
John C. Pirtle,
R. S. Rector,
Gus W. Richardson,
W. H. Shanks,
Robert C. Simmons,
J. A. Sloan,
John L. Smith,
Sawyer A. Smith,
John S. Steers,
R. E. Stewart,
D. P. Taggart,
Eugene W. Tandy,
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
E. E. Wash,
Harry Weitkamp,
W. R. Whitlow,
W. C. Wynn,
Geo. S. Wilson,—62

Those who voted in the negative were—

Denver B. Cornett,	W. J. Jackson,	Isaac G. Rice,
W. F. Edmunds,	W. L. Kimbrough,	John T. Shanklin,
S. L. Givan,	A. T. Lee,	S. Albert Shanklin,
C. W. G. Hannah,	G. T. Reynolds,	J. B. Swann,—12

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 221. An act to amend and re-enact sections 12, 13, 14, 17, 18, 19, 20 and 26 of an act entitled, "An act concerning conveyances," approved April 22, 1893, and being sections 501, 502, 503 506, 507, 508 and 514, chapter 29, of Kentucky Statutes compiled by John D. Carroll, and issued in 1903; and to amend and re-enact section 1 of an act entitled, "An act to cure certain defective certificates of proof deeds, and to make copies from the records prima facie evidence in the courts and tribunals of this State," approved March 24, 1902, and being section 519a of said Statutes.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 12 of an act entitled, "An act concerning conveyances," approved April 22, 1893, and being section 501, of chapter 29, of the Kentucky Statutes, compiled by John D. Carroll and issued in 1903, be, and it is hereby, amended by striking out the words, "by persons other than married women,'" in the first line thereof, and inserting in lieu thereof the words, "by married women or other persons," and re-enacted so as to read as follows:

"Deeds executed in this State, by married women, or other persons, may be admitted to record:

(1.) On the acknowledgment, before the proper clerk or notary public, by the party making the deed.

(2.) Or by the proof of two subscribing witnesses, or by the proof of one subscribing witness, who shall also prove the attestation of the other.

(3.) Or by proof by two witnesses that the subscribing witnesses are both dead; and also like proof of the signature of one of them and of the grantor.

(4.) Or by like proof that both of the subscribing witnesses are out of the State, or that one is absent and the other is dead; and also like proof of the signature of one of the witnesses and of the grantor.

(5.) Or on the certificate of a clerk of a county court of this State or notary public that the same had been acknowledged or proved before him as required by this section."

§ 2. That section 13 of said act, and being section 502 of said Kentucky Statutes, be amended by striking out the words, "by persons other than married women," and inserting in lieu thereof "by married women or other persons," and re-enacted to read as follows:

"Deeds executed out of the State, and within the United States, by married women or other persons, may be admitted to record when the same shall be certified, under his seal of office, by the clerk of a court, or his deputy, or by a notary public, mayor of a city, or Secretary of State or commissioner to take the acknowledgment of deeds, or by a judge, under the seal of his court; to have been acknowledged or proved before him in the manner hereby required."

§ 3. That section 14 of said act, and being section 503 of said Kentucky Statutes, be amended by striking out the words, " by persons other than married women," and inserting in lieu thereof "by married women or other persons," and re-enacted so as to read as follows:

"Deeds executed out of the United States, by married women or

other persons, may be admitted to record, when the same shall be certified by any foreign minister or consul, or Secretary of Legation of the United States, or by the Secretary of Foreign Affairs, certified under his seal of office, or the Judge of the Superior Court of the nation where the deed shall be executed, to have been acknowledged or proven before him in the manner prescribed by law."

§ 4. That sections 18 and 19 of said act, and being section 507 of said Kentucky Statutes, be and the same is hereby repealed, and there is hereby enacted in lieu thereof as follows:

"Where the acknowledgment of a deed shall be taken by an officer of this State or by an officer residing out of this State, he may simply certify that it was acknowledged before him, and when it was done."

§ 5. That section 20 of said act, and being section 508 of said Kentucky Statutes, be, and the same is hereby, repealed, and there is hereby enacted in lieu thereof as follows:

"Any married woman, resident of this Commonwealth, or elsewhere, may, by agent, convey any interest she may have in personal or real estate, situated in Kentucky, and which she could lawfully convey in person. But such conveyance must be made in virtue of a power of attorney, executed and acknowledged or proven, as deeds by married women are by law required to be."

§ 6. That section 26 of said act, and being section 514 of said Kentucky Statutes, be, and the same is hereby, amended and reenacted by adding thereto the following:

"And no conveyance of real estate heretofore made by a married woman or other person, shall be adjudged to be void or invalid because the same was not certified, proven or lodged for record as heretofore required provided the same was or is certified or proven in the manner by this act authorized," so that such section, when amended, shall read as follows:

"No conveyance of real estate heretofore made by a married woman or other person shall be adjudged to be void or invalid because of a failure of a county clerk to incorporate in his certificate to such conveyance the indorsement of acknowledgment which may have been made by his duty thereon. When acknowledgements to conveyances of real estate have heretofore been taken by a deputy clerk, and a note or a memorandum thereof endorsed by him on such conveyance, and a certificate of such acknowledgment has been afterward written out by the prinicpal clerk and signed by him as having been done by such deputy, or as if the acknowledgment had been such principal clerk, such conveyance and certificate, and the recording thereof, shall be held to be valid, although the note or memorandum made by the deputy may not have been copied into said certificate. And no conveyance of real estate heretofore made by a married woman or other person shall be adjudged to be void or invalid be cause the same was not certified proven or lodged for record as heretofor required, provided the same was or is certified or proven in the manner by this act authorized."

And be it further enacted:

§ 7. That section 1 of an act entitled, "An act to cure certain defective certificates of proof deeds, and to make copies from the records prima facie evidence in the courts and tribunals of this State," approved March 24, 1902, and being section 519a of said Kentucky Statutes, be amended by striking out the words, "by a person other than a married woman," and inserting in lieu thereof the words, "by a married woman or other person," and re-enacted so as to read as follows:

"Whenever a certificate admitting to record a deed executed in this State by a married woman or other person shows that such deed was admitted to record, or the proof of one of the subscribing witnesses proved the attestation of the other subscribing witness, as well as the execution thereof by the grantor, and a certified copy

of any such deed which has been, or which may hereafter be, recorded in the proper clerk's office shall be prima facie evidence in all the courts and tribunals of this State."

§ 8. All laws, and parts of laws, in conflict herewith are hereby repealed to the extent of such conflict.

Ordered, that said bill be read the third time.

The constituional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and placed upon its passage.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson,	C. W. G. Hannah,	J. F. Porter,
Louis W. Annett,	W. W. Hopkins,	Isaac G. Rice,
F. Pierce Blair,	F. M. Hutcheson Jr.	W. H. Shanks,
C. C. Chase,	R. F. Hutchinson,	S. Albert Shanklin,
J. Will Clay,	W. F. Klair,	J. A. Sloan,
Denver B. Cornett,	W. L. Kimbrough,	Sawyer A. Smith,
W. A. B. Davis,	E. W. Lillard,	D. P. Taggart,
Thurman B. Dixon,	Jasper D. Lowder,	Eugene W. Tandy,
Wm. E. Dowling,	Chris Mueller,	John P. Wallace,
W. F. Edmunds,	C. C. Patrick,	W. C. Wynn,—32
John Feland,	G. L. Perryman,	

Those who voted in the negative were—

A. A. Allphin,	R. L. Gwathmey,	G. T. Reynolds,
J. W. Berkshire,	John P. Haswell, Jr.	Gus W. Richardson,
P. W. Berkshire,	R. Dillard Hunter,	John T. Shanklin,
O. Houston Brooks,	J. H. Jackson,	Robert C. Simmons,
Frank J. Brown,	W. J. Jackson,	John L. Smith,
W. N. Brown, Jr.,	Cleves G. Kinkead,	John S. Steers,

J. T. Buford,	A. T. Knox,	W. H. Strange,
Albert Butler,	A. T. Lee,	J. W. Stump,
H. K. Cole,	Hugh Mahin,	J. B. Swann,
Dr. C. F. Crecelius,	Wm. S. Markolf,	C. S. Templeman,
John T. Davis,	W. C. McChord,	Wm. M. Thompson,
Henry H. Denham,	Duncan Milliken,	Geo. C. Waggoner,
J. A. Duff,	Jesse F. Nichols,	E. E. Wash,
Robert Enlow,	W. V. Perry,	W. R. Whitlow,
S. L. Givan,	John C. Pirtle,	Geo. S. Wilson,
F. E. Graves,	R. S. Rector,	J. Hal Woodford,-48

And so said bill was disagreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 199. An act to amend an act entitled, "An act to amend and re-enact section 3140, Kentucky Statutes," approved by the Governor March 22, 1906.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1 of an act entitled, "An act to amend and re-enact section 3140, Kentucky Statutes," approved by the Governor, March 22, 1906, be, and the same is hereby, amended by striking therefrom the word "thirty" and inserting in lieu thereof the words "twenty nor more than seventy-five, in the discretion of the General Council;" so that said section, when amended, shall read as follows:

"§ 1. That section 3140, of the Kentucky Statutes, be, and the same is hereby, amended by adding to said section the following words: Provided, the number of policemen and detectives shall not be less than twenty nor more than seventy-five; in the discretion of the General Council, in addition to the Chief of Police, Captain of Police and Lieutenant of Police;" so that said section 3140, shall, when amended, read as follows:

"The number of firemen and policemen and officers of either department may be such as the General Council may, from time to time, ordain, and may be increased or diminished upon petition of the commissioners in that behalf; and said General Council shall, by ordinance, provide for the paying of the salaries of the firemen and policemen and officers of either of said departments, and other expenses: Provided, that the number of policemen and detectives shall not be less than twenty, nor more than seventy-five, in the discretion of the General Council, in addition to the Chief of Police, Captain of Police and Lieutenant of Police."

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Anderson,	J. H. Jackson,	W. H. Shanks,
Louis W. Arnett,	W. J. Jackson,	S. Albert Shanklin,
Elliott B. Beard,	W. F. Klair,	J. A. Sloan,
J. W. Berkshire,	E. W. Lillard,	John L. Smith,
P. W. Berkshire,	Hugh Mahin,	John S. Steers,
O. Houston Brooks,	W. C. McChord,	J. W. Stump,
Frank J. Brown,	Emanuel Meyer,	J. B. Swann,
J. T. Buford,	Duncan Milliken,	Eugene W. Tandy.
C. C. Chase,	Chris Muellen,	C. S. Templeman.
J. Will Clay,	Jesse F. Nichols,	Wm. M. Thompson,
Denver B. Cornett,	A. C. Oliver,	Geo. C. Waggoner,
W. A. B. Davis,	W. V. Perry,	John P. Wallace,
Wm. E. Dowling,	John C. Pirtle,	E. E. Wash,
F. E. Graves,	J. F. Porter,	W. R. Whitlow,
R. Dillard Hunter,	G. T. Reynolds,	Geo. S. Wilson,
F. M. Hutcheson Jr.	Gus W. Richardson,	J. Hal Woodford,-48

Those who voted in the negative were—

A. A. Allphin,	R. G. Gwathmey,	Wm. S. Markolf,
F. Pierce Blair,	C. W. G. Hannah,	C. C. Patrick,
H. K. Cole,	John P. Haswell, Jr.	G. L. Perryman,
John T. Davis,	R. F. Hutchinson,	R. S. Rector,
Henry H. Denham,	W. H. Jones,	Isaac G. Rice,
J. A. Duff,	W. L. Kimbrough,	Sawyer A. Smith,
Thos. E. Finley,	A. T. Knox,	D. P. Taggart,
S. L. Givan,	A. T. Lee,	W. C. Wynn,—24

Resolved, that the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 135. An act to encourage the establishment and maintenance of private contributions of sanatoria in the Commonwealth of Kentucky, for the care and treatment of persons suffering from pulmonary tuberculosis, commonly known as consumption, and to make an appropriation to assist such sanatoria as may be already established in Kentucky and those that may hereafter be established.

Together with an amendment heretofore proposed thereto by the Committee on Public Health:

Said bill is as follows:

Whereas, Pulmonary tuberculosis, commonly known as consumption, by its widespread distribution throughout this Commonwealth is causing untold suffering and distress; is affecting the health the prosperity and general welfare of the Commonwealth; is draining the resources of individuals; is causing appalling waste of human life; and

Whereas, Modern medical science has demonstrated the certainty of minimizing the ravages of this disease by measures of education, sanitary supervision, isolation and early outdoor medical treatment

as now successfully practiced in sanatoria for the treatment and cure of the disease located in other States and countries; and

Whereas, Many citizens of the county of Jefferson have organized under the laws of this Commonwealth, a corporation known as the Association Sanatorium, and have established and are now maintaining a sanatorium for the treatment of persons suffering from consumption in the county of Jefferson; and

Whereas, Said Association Sanatorium has provided in its articles of incorporation that said sanatorium shall never be operated for profit, and is caring for consumptives under its care at less than the cost of maintenance; and

Whereas, Unless the Commonwealth extends to said sanatorium and to like sanatoria for the care and treatment of consumptives, established throughout the Commonwealth, financial aid, it will be very difficult, if not impossible to continue to maintain said sanatorium or to secure the establishment of any other similar sanatoria in the Commonwealth; and

Whereas, It is in the interest of public health and welfare that the said Association Sanatorium established in the county of Jefferson be aided by the Commonwealth of Kentucky, and that the Commonwealth of Kentucky grant financial aid to and all other sanatoria for the treatment of consumption, that may be established in this Commonwealth by private contribution, conditioned that the aricles of incorporation under which it or they may be established shall provide that it or they shall never be operated for profit, to the end that the waste of human life by consumption may be minimized and ultimately stamped out in this Commonwealth;

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§1. That there is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of twenty-five thousand

($25,000) dollars for the benefit of the Association Sanatorium of Jefferson County, Kentucky, and any similar senatorium or sanatoria established in this Commonwealth for the care and treatment of consumptives to be paid to such sanatoria as hereinafter provided.

§ 2. The Auditor of Public accounts, be, and he is hereby, authorized and directed to draw his warrants upon the treasury in favor of the Treasurer of the Association Sanatorium on June 1, 1908, for the sum of fifty-six hundred ($5,600.00) dollars, and annually thereafter said Auditor of Public Accounts, be, and he is hereby, authorized and directed to draw his warrants, upon the treasury in favor of the Treasurer of the Association Sanatorium for the sum of fifty-six hundred ($5,600.00) dollars, unless said Association Sanatorium is entitled to more than said sum as hereinafter provided; the sum of fifty-six hundred ($5,600.00) dollars being twenty per cent. (20%) of the total sum expended by the said Association Sanatorium in equipping and establishing its sanatorium.

§ 3. Any other sanatorium incorporated, established and equipped within this Commonwealth by private contribution for the care and treatment of consumptives, the articles of incorporation of which provide that it shall not be operated for profit, shall be entitled to receive out of the fund herein appropriated, annually a sum equal to twenty (20%) per cent. of the amount actually expended by said sanatorium in establishing and equipping such sanatorium and the Auditor of Public Accounts is authorized and directed to draw his warrants upon the Treasury in favor of the Treasurer of any such sanatorium for such an amount, after said sanatorium complied with the provisions of this act.

§ 4. No sanatorium embraced within the provisions of this act shall be entitled to receive in any one year an amount of money out of the appropriation herein made in excess of three hundred and fifty ($350) dollars per year for each bed maintained for patients by such sanatorium and no sanatorium shall be entitled to receive any part of the appropriation herein made unless such san-

atorium is actually established and is receiving and caring for persons suffering from consumption and has been in actual operation for a period of six months.

§ 5. No part of the appropriation herein made shall be paid until the sanatorium to which said payment is to be made shall have executed, by its proper officers, a bond to the Commonwealth of Kentucky, with good and sufficient security, stipulating and providing that all of said bond an attested copy of the articles of incorporation under purposes of said sanatorium. There shall be attached to, as part of said bond an attested copy of the articles of incorporation under which said sanatorium is established and maintained, and further a statement under oath, made by the chief officer and treasurer of said association or corporation maintaining said sanatorium showing the actual amount of money expended by said association or corporation for the purpose of said sanitorium.

Said bonds, articles of incorporation, and statement under oath, as herein provided, shall be first submitted to the State Inspector and Examiner and it shall be the duty of said State Inspector and Examiner, to examine into and verify the conditions embraced within said bond and statement, and approve same, and further, as to whether or not such sanatorium is being operated for profit, and to certify such examination to the Auditor of Public Accounts. If such certificate of said State Inspector and Examiner, shall show that such sanatorium has complied with the provisions of this act, it shall be entitled to the benefits of this act but not otherwise. Said bond, charter and statement shall be filed and become part of the records of the Auditor of Public Accounts.

§ 6. Any sanatorium embraced within the provisions of this act which, in an effort to care for more persons suffering from consumption, shall enlarge the sanatorium maintained by it, shall be entitled to the benefits of this act with reference to such improvements, it being the intention of the General Assembly of the Commonwealth to grant financial aid to any sanatorium within the Com-

monwealth equipped and maintained for the care of consumptives as herein provided to the extent of twenty per cent (20%) annually of the amount actually paid and expended in equipping and maintaining such santorium: Provided, always, That such aid rendered by the Commonwealth shall not in the aggregate amount to more than three hundred and fifty ($350) dollars per yer per bed maintained for patients in such sanatorium.

§ 7. Any sanatorium availing itself of the benefits of this act shall make an annual report to the Auditor of Public Accounts, showing when, where and in what manner the money received by such santorium under this act and from all other sources has been applied and disbursed and such report shall be subscribed by and sworn to by the chief officer of the association or corporation maintaining such sanatorium.

§ 8. Any sanatorium receiving any of the benefits of this act shall, at all reasonable times, keep open for the inspection of the State Inspector and Examiner its records and books of accounts, and the State Board of Control, or any board that may be created by the General Assembly, having supervision of the charitable institutions of the Commonwealth, shall visit such sanatorium for the purpose of ascertaining whether such sanatorium is observing the provisions of this act.

§ 9. The Board of Trustees or Board of Directors, as the case may be, of any sanatorium embraced within the provisions of this act, shall have the right to make and enforce rules and regulations governing such sanatorium, not inconsistent with the Constitution and laws of this Commonwealth.

§ 10. Any part of the appropriation herein made, which shall remain unexpended in four (4) years, shall be returned to the State treasury.

Said amendment as proposed by the committee is as follows:

Amend by striking out section 5 of said bill and inserting in lieu thereof the following:

Section 5. No part of the appropriation herein made shall be paid until the sanatorium to which said payment is to be made shall have executed by its proper officers a bond to the Commonwealth of Kentucky, with good and sufficient security, stipulating and providing that all of said money so paid to such sanitorium shall be paid for the purposes of said sanatorium. There shall be attached to, as part of said bond, an attested copy of the articles of incorporation under which said sanatorium is established and maintained, and further, a statement under oath, made by the chief officer and treasurer of said association or corporation maintaining said sanatorium, showing the actual amount of money expended by said association or corporation for the purpose of said sanatorium.

Said bond, articles of incorporation and statement under oath, as herein provided, shall be first submitted to the State Inspector and Examiner, and it shall be the duty of said State Inspector and Examiner to examine into and verify the conditions embraced within said bond and statement and aprove same, and further as to whether or not such sanatorium is being operated for profit and to certify such examination to the Auditor of Public Accounts If such certificate of said State Inspector and Examiner shall show that such sanatorium has complied with the provisions of this act, it shall be entitled to the benefits of this act, but not otherwise. Said bond, charter and statement shall be filed and become part of the records of the Auditor of Public Accounts.

Said amendment was agreed to.

Ordered that said bill as amended be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title, and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,
Robert H. Anderson,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
J. T. Buford,
C C. Chase,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
F. E. Graves,
R. G. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.,
R. Dillard Hunter,
F. M. Hutcheson Jr.
J. H. Jackson,
W. J. Jackson,
W. H. Jones,
W. F. Klair,
Cleves G. Kinkead,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
Wm. S. Markolf,
W. C. McChord,
Emanuel Meyer,
Duncan Milliken,
Chris Mueller,
Jesse F. Nichols,
A. C. Oliver,
G. L. Perryman,
R. S. Rector,
Isaac G. Rice,
Gus W. Richardson,
W. H. Shanks,
S. Albert Shanklin,
Robert C. Simmons,
J. A. Sloan,
John S. Steers,
J. W. Stump,
Eugene W. Tandy.
C. S. Templeman,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
F. E. Wash,
Harry Weitkamp,
W. C. Wynn,
Geo. S. Wilson,
J. Hal Woodford,—62

Those who voted in the negative were—

Robert Enlow,
A. T. Lee,
J. F. Porter,
G. T. Reynolds,
John L. Smith,
J. B. Swann,
W. R. Whitlow,—7

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the orders of the day, a bill entitled:

S. B. 2. An act to provide for the examination and registration of nurses.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Within sixty days after this act becomes a law, the Governor shall appoint a State Board of Nurse Examiners, to be composed of five members, all of whom shall be members of the Kentucky State Association of Graduate Nurses, whose duty it shall be to carry out the purpose and enforce the provisions of this act, as hereinafter specified. Members of said board at the time of their appointment and during their membership upon the State Board, must be actual residents of the State.

Appointments for the first Board, and for the purpose of filling all subsequent vacancies, shall be made by the Governor from a list of ten names of nurses, submitted in advance by the Kentucky State Association of Graduate Nurses from its membership. Such nurses must be engaged in active work, and have been graduated for at least a period of five years from reputable training schools. The first members of said Board shall be appointed to hold office as follows:

One for one year; two for two years, and two for three years. Upon the expiration of the term of office of each member, the Governor of the State shall appoint a successor who shall hold office for a period of three years, the encumbent to continue in office, however, until such successor is appointed, and no person shall be appointed to membership on the said Board unless she shall possess the qualifications herein above named.

The first meeting of the Board shall be held in Louisville, Kentucky, on the last Wednesday in September, 1908.

§ 2. The State Board of Nurse Examiners shall, as soon as organized, and annually thereafter, elect from their number a President and a Secretary who shall also be the Treasurer. The Treasuner, The Treasurer, upon entering upon her duties, shall execute a bond to the Commonwealth of Kentucky for the benefit of the Board, with approved surety in the sum of one thousand dollars ($1,000.00) conditional upon the faithful discharge of the duties of the office.

The Board shall adopt rules and regulations, not inconsistent with this act, to govern its proceedings, and also a seal, the Secretary to have the custody thereof. The Secretary shall also keep a record of all proceedings of the Board, including a register of the names of all nurses duly registered under this act, which shall be open at all reasonable times to public scrutiny, and the Board shall cause the prosecution of all persons violating any of the provisions of this act, and may incur the necessary expenses on that behalf.

The Secretary and Treasurer shall also act as inspector to training schools, at such salary as shall be fixed from time to time by the Board. The other members of the Board shall receive the sum of five dollars ($5.00) for each day while attending the meetings of the Board, and necessary expenses incurred, which shall be paid from the fees received by the Board under the provisions of this act, provided the amount so paid shall not exceed the amount received by the Treasurer of said Board in fees, as hereinafter specified.

§ 3. Three members of the Board shall constitute a quorum. Special meetings of the Board shall be called by the Secretary upon written request of any two members of the Board. The Board shall adopt rules and regulations for the examination of applicants registration in accordance with the provisions of this act, and may amend, modify, and repeal said rules and regulations from time to time. The Board shall immediately, upon the election of officers thereof, and upon the adoption, repeal, or modification of its

rules and regulations to be furnished nurses upon application to file the name and address of each officer and a copy of such rules and regulations or the amendment, repeal, or modification thereof, with the Secretary of State, and publish the same twice in at least one journal devoted to the interests of professional nursing, and one daily paper published in the State of Kentucky. Copies of said rules and regulations to be furnished nurses upon application to the Board.

§ 4. It shall be the duty of said State Board of Nurse Examiners to meet not less than once a year. Written notice of such meeting shall be given to the Superintendent of each Training School for nurses in Kentucky, and by publication in such newspapers as the Board may elect. At such meetings it shall be the duty of said Board to examine all diplomas of applicants for registration under this act, and to determine their ability and efficiency, and shall have power to grant or refuse certificates to such applicants. Upon filing application for examination and registration, each applicant shall pay a fee of ten dollars ($10.00) to the Treasurer. Every registered nurse shall be prepared, whenever requested, to show her certificate of registration.

§ 5. Each applicant shall be required to furnish satisfactory evidence that he or she is not less than twenty-one years of age, and has the equivalent of a common school education and has been graduated from a reputable training school.

§ 6. Without Examination (a) The applicant shall be registered and shall receive a certificate of registration without examination who shall present a diploma issued within three years following the passage of this act by a training school connected with a general or special hospital or infirmary where three years course of continuous training is required, with systematic instruction in the hospital or infirmary, or from one or more general hospitals or infirmaries, of good standing, supplying systematic

training corresponding to the above standard. (b) The applicant shall be registered and given a certificate of registration examination, at any time within two years after the passage of this act, if he or she shall have a diploma of a training school connected with a general or special hospital or infirmary, giving two years continuous training, or if he or she has received, prior to the year 1889 a diploma after one year's training in any of the aforesaid institutions under conditions satisfactory to the Board, and is engaged in professional nursing at the date of the passage of this act, or has been engaged in professional nursing for five years after graduation prior to the passage of this act, provided such application shall be made within two years following the passage of this act. (c) The applicant shall be registered and given a certificate of registration who shall present a certificate of registration from another State where the requirements for registration shall be deemed by said Board to be equivalent to those of this act, such applicant having first paid a fee of ten dollars ($10.00) to the Treasurer.

§ 7. With Examination.—The applicant shall be registered and given a certificate of registration, if he or she shall have a diploma issued three or more years after the passage of this act, from a training school connected with a hospital, requiring three years course of training with systematic instruction in a general or special hospital or infirmary, or from one or more hospitals of good standing, supplying systematic training equivalent to the foregoing, and upon passing such an examination before the Board as may be deemed necessary to determine his or her fitness and ability to give efficient care to the sick.

§ 8. This act shall not be construed to effect or apply to gratuitous nursing of the sick by a friend or members of the family, or to a person nursing the sick for hire who does not in any way assume to be a registered nurse.

§ 9. (a) This act shall not be construed to interfere in any way

with the religious communities who have charge of hospitals or take care of the sick in their own homes. (b) Nothing contained in this act shall be construed as conferring any authority to practice medicine or to undertake the treatment or cure of disease in violation of the Medical Practice Acts of the State of Kentucky.

§ 10. Any person who shall falsely represent himself or herself to be a registered nurse shall be deemed guilty of a violation of this act and upon conviction be fined not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00) for the first offense, and not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) for each subsequent offense. Any person who shall willfully make any false representation to said State Board of Nurse Examiners in applying for a certificate, shall be guilty of a misdemeanor, and upon conviction shall be punishable by a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00.)

§ 11. All certificates issued by the State Board shall be signed by the President and Secretary and have the seal affixed.

§ 12. That said State Board of Nurse Examiners may recall any certificate for sufficient cause, upon charges filed before it in writing, but before this is done, the holder of said certificate shall have thirty (30) days' notice of said charges, and a full and fair hearing upon the same. A majority of the whole Board must vote for such revocation before the same shall become effective.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title, and placed on its passage.

The yeas and nays being taken on the passage of said bill in

accordance with the provision of the constitution, were as follows, viz:

Those who voted in the affirmative were—

Robert H. Anderson,	C. W. G. Hannah,	H. A. Schoberth,
Louis W. Arnett,	R. Dillard Hunter,	W. H. Shanks,
Elliott B. Beard,	F. M. Hutcheson Jr.	Robert C. Simmons,
J. T. Buford,	W. F. Klair,	J. A. Sloan,
J. Will Clay,	A. T. Knox,	J. W. Stump,
Dr. C. F. Creechius,	Duncan Milliken,	Eugene W. Tandy.
Thurman B. Dixon,	Chris. Mueller,	John P. Wallace,
Wm. E. Dowling,	A. C. Oliver,	Harry Weitkamp,
Thos. E. Finley,	G. L. Perryman,	Geo. S. Wilson,
S. L. Givan,	R. S. Rector,	J. Hal Woodford,-31
F. E. Graves,		

Those who voted in the negative were—

A. A. Allphin,	Robert L. Harris,	Isaac G. Rice,
J. W. Berkshire,	J. H. Jackson,	Gus W. Richardson,
P. W. Berkshire,	W. J. Jackson,	John T. Shanklin,
O. Houston Brooks,	W. L. Kimbrough,	S. Albert Shanklin,
Frank J. Brown,	Cleves G. Kinkead,	John L. Smith,
W. N. Brown, Jr.,	A. T. Lee,	Sawyer A. Smith,
Albert Butler,	Jasper D. Lowder,	John S. Steers,
C. C. Chase,	Wm. S. Markolf,	W. H. Strange,
W. A. Cope,	W. C. McChord,	J. B. Swann,
Denver B. Cornett,	H. L. Myers,	C. S. Templeman,
Henry H. Denham,	C. C. Patrick,	Wm. M. Thompson,
J. A. Duff,	W. V. Perry,	Geo. C. Waggoner,
W. F. Edmunds,	J. F. Porter,	E. E. Wash,
R. G. Gwathmey,	G. T. Reynolds,	W. C. Wynn,—42

And so said bill was disagreed to.

The House took up for consideration from the orders of the day, a bill entitled:

S. B. 145. An act to amend an act entitled, An act to amend

an act to amend and re-enact as amended section 1 of an act to provide for the operating expenses of the Houses of Reform, approved March 15, 1898, which act was approved March 21, 1902.

Said bill is as follows:

An act to amend an act, entitled "An act to amend an act to amend and re-enact, as amended, section 1, of an act to provide for the operating expenses of the Houses of Reform," Approved March 15, 1898, which act was approved March 21, 1902.

§ 1. That section 1, of an act of the General Assembly of the Commonwealth of Kentucky, approved March 15, 1898, entitled "An act to provide for operating expenses of the Houses of Reform," which was amended by an act approved March 21, 1902, by an act, entitled "An act to amend and re-enact as amended section 1, of an act, entitled 'An act to provide for the operating expenses of the Houses of Reform'," approved March 15, 1898, be amended, by striking therefrom section 1, of said act, as amended by the act of March 21, 1902, and by inserting in lieu thereof and re-enacting in lieu of the section stricken out of the following:

"That there is hereby appropriated out of the revenue of the Commonwealth for the maintenance of the Houses of Reform the sum of one hundred and twenty-five dollars per capita, per annum, for each inmate on such House or Houses of Reform, and it shall be the duty of the Auditor of Public Accounts to draw his warrant on the Treasurer of this Commonwealth, quarterly, for such amount in favor of the Houses of Reform upon the report of the chairman of the Board of Penitentiary Commissioners, when such report is approved by the Governor."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution, were as follows viz:

Those who voted in the affirmative were—

Robert H. Anderson,	R. F. Hutchinson,	H. A. Schoberth,
Louis W. Annett,	J. H. Jackson,	W. H. Shanks,
Elliott B. Beard,	W. J. Jackson,	S. Albert Shanklin,
J. W. Berkshire,	W. F. Klair,	Robert C. Simmons,
O. Houston Brooks,	E. W. Lillard,	J. A. Sloan,
Frank J. Brown,	Jasper D. Lowder,	John L. Smith,
J. T. Buford,	Hugh Mahin,	John S. Steers,
C. C. Chase,	W. C. McChord,	J. W. Stump,
J. Will Clay,	H. L. Myers,	J. B. Swann,
H. K. Cole,	Duncan Milliken,	D. P. Taggart,
W. A. Cope,	Chris Mueller,	C. S. Templeman,
Dr. C. F. Crecelius,	Jesse F. Nichols,	Wm. M. Thompson,
W. A. B. Davis,	C. C. Patrick,	Geo. C. Waggoner,
Thurman B. Dixon,	W. V. Perry,	John P. Wallace,
Wm. E. Dowling,	G. L. Perryman,	E. E. Wash,
Robert Enlow,	John C. Pirtle,	Harry Weitkamp,
F. E. Graves,	J. F. Porter,	W. R. Whitlow,
John P. Haswell, Jr.	R. S. Rector,	Geo. S. Wilson,
R. Dillard Hunter,	Gus W. Richardson,	J. Hal Woodford,—58
F. M. Hutcheson, Jr.,		

Those who voted in the negative were—

P. W. Berkshire,	S. L. Givan,	A. T. Lee,
W. N. Brown, Jr.,	C. W. G. Hannah,	Wm. S. Markolf,
Albert Butler,	A. T. Knox,	G. T. Reynolds,—11
W. F. Edmunds,	W. L. Kimbrough,	

Resolved, that the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 146. An act to appropriate money for the benefit of the Houses of Reform, to provide funds to pay the existing deficit, and to make improvements at the Houses of Reform.

Together with an amendment heretofore proposed thereto by the committee on State Prisons and Houses of Reform.

Said bill is as follows:

Whereas, the per capita allowance for the maintenance of the houses of reform and the salary appropriation provided for said houses of reform have never been sufficient to meet the current expenses of said houses of reform; and,

Whereas, a deficit has been created by the inadequate provision made for the maintenance of said houses of reform; and,

Whereas, the increased population in said houses of reform render it necessary to have additional buildings for the accommodation of the present and increasing population thereof; therefore,

Be it enacted by the General Assembly of the Comommwealth of Kentucky:

§ 1. That the sum of twenty-six thousand four hundred and thirty-two dollars and fifty-one cents ($26,432.51) is hereby appropriated out of the revenues of the Commonwealth of Kentucky, to be expended by the Board of Penitentiary Commissioners in paying the deficit existing at the Kentucky Houses of Reform, as of date October 31, 1907.

The Auditor of Public Accounts shall draw his warrant upon the Treasurer of the Commonwealth of Kentucky in favor of the houses of reform for said amount upon the application of the Board of Penitentiary Commissioners.

§ 2. There is hereby appropriated out of the revenue of the Commonwealth of Kentucky the sum of seventy-five hundred dollars ($17,000), or so much thereof as may be necessary, to be ex-

pended by the Board of Penitentiary Commissioners in erecting and furnishing a hospital at the Kentucky Houses of Reform.

§ 3. There is hereby appropriated out of the revenue of the Commonwealth of Kentucky the sum of seventeen thousand dollars ($17,000), or so much thereof as may be necessary, to be expended by the Board of Penitentiary Commissioners in erecting and equipping two dormitories or cottages on the grounds of the houses of reform for the occupancy of the inmates of said houses of reform.

§ 4. There is hereby appropriated out of the revenue of the Commonwealth of Kentucky the sum of fifteen thousand dollars ($15,000), or so much thereof as may be necessary, to be expended by the Board of Penitentiary Commissioners in erecting on the grounds of the houses of reform a school building and chapel for the use of the inmates of said institution.

§ 5. There is hereby appropriated out of the revenue of the Commonwealth of Kentucky the sum of three thousand five hundred dollars ($3,500), or so much thereof as may be necessary, to be expended by the Board of Penitentiary Commissioners in the purchase of a water tank and tower and otherwise improving the water supply and fire protection at the houses of reform.

§ 6. The sum of fifteen hundred dollars ($1,500), or so much thereof as may be necessary, is hereby appropriated out of the revenue of the Commonwealth of Kentucky, to be expended by the Board of Penitentiary Commissioners in boring wells and improving the water supply at the houses of reform.

§ 7. There is hereby appropriated out of the revenue of the Commonwealth of Kentucky the sum of twenty-five hundred dollars ($2,500) or so much thereof as may be necessary to be expended by the Board of Penitentiary Commissioners in the purchase of a filter, air compressor and necessary pipe connections, to be used on the grounds of the Kentucky Houses of Reform.

§ 8. There is hereby appropriated out of the revenue of the

Commonwealth of Kentucky the sum of four thousand dollars ($4,000), or so much thereof as may be necessary, to be expended by the Board of Penitentiary Commissioners for the purpose of erecting and equipping a dairy and stock barn and necessary fences incident to same upon the grounds of the houses of reform.

§ 9. There is hereby appropriated out of the revenue of the Commonwealth of Kentucky the sum of fifteen hundred dollars ($1,500), or so much thereof as may be necessary, to be expended by the Board of Penitentiary Commissioners in purchasing an engine for the use of the power plant at the houses of reform.

§ 10. The Board of Penitentiary Commissioners shall employ a competent architect to draw plans and specifications for such buildings and improvements as are herein provided for, and shall advertise for bids and shall let the contract or contracts to the lowest and best bidder.

§ 11. Upon the request of the Board of Penitentiary Commissioners the Auditor of Public Accounts shall draw his warrants upon the Treasurer of this Commonwealth in favor of the house or houses of reform, for the money herein appropriated. The Board of Penitenitary Commissioners shall make a final and full settlement on account of the expenditure of the appropriations herein, which report shall be made to, and filed with, the Auditor of Public Accounts when the appropriations have been expended.

§ 12. If the amount appropriated for a specific purpose in any of the foregoing sections of this act shall be in excess of the amount necessary to accomplish such purpose, and there shall be an insufficient appropriation in any other section to accomplish the improvement provided for in such section, then such excess may be applied by the Board of Penitentiary Commissioners to make up such deficiency in such other sections: Provided, however, The aggregate amount expended shall not exceed the aggregate amount appropriated by this act.

§ 13. That any and all juvenile or first offenders of the age of 21 years or under, committing any crime whereby punishment in the State prison or school of reform is contemplated, shall be sentenced by court of jurisdiction to the house of reform, and commitment and method of conveying said offenders thereto shall be the same as the State penitentiaries.

§ 14. All inmates so sentenced to house of reform in lieu of State penitentiary shall be subject to the same parole provisions as govern parole of penitentiary inmates.

Any inmate so sentenced who may be incorrigible, or whose contact with the other inmates may be detrimental, may, by order of Board of Commissioners, be transferred to a State penitentiary.

Courts of jurisdiction shall fix an indeterminate sentence for minor offenders which shall keep such offenders in confinement until they have reached the age of 21 years, but such offenders, by reason of good conduct, industry and obedience to rules of the institution, may be earlier discharged or paroled by board of commissioners.

The board of commissioners may make any contracts made or to be made for the hire and employment of the inmates, and is hereby made legal. All contracts, or parts of contracts, in conflict with provision of this contract, is hereby repealed.

The amendment as proposed by the committee is as follows, viz:

Amend by striking therefrom all of sections 13 and 14.

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution, were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,	Robert L. Harris,	Gus W. Richardson,
Robert H. Anderson,	R. Dillard Hunter,	H. A. Schoberth,
Louis W. Arnett,	F. M. Hutcheson Jr.	W. H. Shanks,
Elliott B. Beard,	R. F. Hutchinson,	John T. Shanklin,
O. Houston Brooks,	J. H. Jackson,	Robert C. Simmons,
Frank J. Brown,	W. J. Jackson,	J. A. Sloan,
J. T. Buford,	W. F. Klair,	John L. Smith,
J. Will Clay,	Cleves G. Kinkead,	John S. Steers,
Denver B. Cornett,	Wm. S. Markolf,	J. B. Swann,
Dr. C. F. Crecelius,	Emanuel Meyer,	C. S. Templeman,
W. A. B. Davis,	H. L. Myers,	Wm. M. Thompson,
Thurman B. Dixon,	Duncan Milliken,	Geo. C. Waggoner,
Wm. E. Dowling,	Chris Mueller,	E. E. Wash,
Robert Enlow,	Jesse F. Nichols,	W. R. Whitlow,
John Feland,	A. C. Oliver,	Geo. S. Wilson,
S. L. Givan,	C. C. Patrick,	J. Hal Woodford,
F. E. Graves,	J. F. Porter,	Mr. Speaker,
C. W. G. Hannah,	R. S. Rector,	(W. J. Gooch)

—53

Those who voted in the negative were—

J. W. Berkshire,	A. T. Knox,	G. L. Perryman,
W. N. Brown, Jr.	A. T. Lee,	G. T. Reynolds,
John T. Davis,	E. W. Lillard,	Isaac G. Rice,
Thos. E. Finley,	Hugh Mahin,	D. P. Taggart,
W. L. Kimbrough,	W. C. McChord,	Eugene W. Tandy.

—15

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 212. An act appropriating money for the Western Kentucky Asylum for the Insane, the Central Kentucky Asylum for the Insane and the Kentucky Institution for Feeble Minded children.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, whereas, the Western Kentucky Asylum for the Insane has in recent years been enlarged and improved; and, whereas, the heating and water system of said institute has become inadequate by reason of said enlargement and by the further reason of the length of time that has been installed; therefone, there is hereby appropriated, out of the general revenue of the State, for the benefit of said Western Kentucky Asylum for the Insane, at Hopkinsville, the sum of twenty-five thousand dollars, to be expended for the improvement and enlargement and overhauling of the heating and water system of said institution.

§ 2. Whereas, the Central Kentucky Asylum for the Insane, at Lakeland, has, by reason of recent enlargement of its capacity, also outgrown the heating and water systems of said institution, which were installed many years ago; therefore, there is hereby, appropriated out of the general revenue of the State for the benefit of the Central Kentucky Asylum for the Insane, at Lakeland, the sum of twenty-five thousand dollars, to be expended for the improvement of the heating and water system of said institution.

§ 3. Whereas, the Board of Commissioners of the Kentucky Institute for Feeble-minded Children, before the creation of Kentucky State Board of Control, on the first day of March, 1906, made a note in the name of said institution to the Farmers' Bank of Frankfort, Kentucky, for the sum of twenty-five hundred dollars; and, whereas, said note is due and unpaid, and there are no funds available by the Kentucky State Board of Control for its payment, there-

fore the sum of twenty-five hundred dollars is hereby appropriated out of the general revenue of the State for the purpose of paying said note, and the Board of Control are hereby directed to use said sum for the purpose of paying off said note, and for no other purpose.

§ 4. Whereas, the Kentucky Institution for Feeble-minded Children has become so crowded that no other pupils can be received into said institution, there is hereby appropriated the sum of fifteen thousand dollars, for the purpose of building an addition to said institution to accommodate such pupils as may be sent to the institution under the law. Said fifteen thousand dollars to supplement an appropriation made for this purpose by the General Assembly of 1906, that appropriation being inadequate for its purpose and intentions.

§ 5. The money hereby appropriated shall be drawn on draft of the Kentucky State Board of Control, and upon such draft, or drafts, not exceeding in the aggregate the sum aforesaid, being made upon him, the Auditor of Public Accounts shall draw his warrant or warrants upon the Treasurer of this State in favor of the contractors who shall do the work for any sum or sums of money, not exceeding the amount hereby appropriated to said institutions.

§ 6. The president of the Kentucky State Board of Control shall advertise for bids for furnishing all labor and materials of every kind and description necessary for the construction, erection and completion of such buildings as contemplated in this act, and for making the improvements and repairs mentioned in this act, except such labor and material, if any, as may be furnished by the employes or patients of said institutions, and all such bids shall be opened in the presence of the Kentucky State Board of Control, and it shall be the duty of the latter to accept such bid or bids as it may deem the lowest and best, and if, in its judgment, all, or any, of such bids shall be unsatisfactory, said Board of Control may reject any and all such bids, and re-advertise for others in the same manner, and so on until it shall be satisfied with such bids and tenders;

and when contracts for the erection of said buildings and its equipment, furnishing of labor and materials and the doing of the work and making the said repairs and improvements, shall have been made in accord with said bids made and entered into, the Board of Control shall retain from the contract price thereof amount sufficient to secure the faithful and complete performance of any and all such contracts, and shall not pay the money so retained, nor any part thereof, until such contracts have been fully and faithfully performed and the work accepted and approved by the Board of Control.

§ 7. All contractors under this act shall be required to give bond, approved by the Board of Control, for the faithful performance of their duty, and the Board of Control shall not pay, or cause to be paid any part of the money appropriated by this act, to any contractor or other person or persons employed in the construction, erection or furnishing materials for the erection, work and repairs authorized by this act, until such contractor or contractors or other persons aforesaid shall deliver to said board an itemized statement and account of all materials so furnished, all labor performed, for which payment may be requested or demanded, which said itemized statement on account shall be approved and endorsed by the architect of the buildings constructed or by the superintendent of the institutions at which said repairs or improvements were made, and verified by the oath of said contractor or other person or persons presenting such account for payment, and if such account is found to be just and correct, and is approved by the board, the secretary of the Board of Control shall note the said facts in the form of a certificate and the same shall be paid as other accounts or bills or claims against said institution as paid by order of the Board of Control thereof; but the money hereby appropriated shall be kept separate and accounted for in separate and distinct statements and accounts of disbursements.

§ 8. Because of the urgent need of the buildings and improve-

ments contemplated, an emergency is hereby declared to exist, and this act shall take effect from and after its approval by the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution, were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,	F. E. Graves,	Gus W. Richardson,
Robert H. Anderson,	C. W. G. Hannah,	H. A. Schoberth,
Louis W. Arnett,	Robert E. Harris,	W. H. Shanks,
Elliott B. Beard,	R. Dillard Hunter,	S. Albert Shanklin,
J. W. Berkshire,	F. M. Hutcheson, Jr.,	Robert C. Simmons,
P. W. Berkshire,	J. H. Jackson,	John L. Smith,
F. Pierce Blair,	W. J. Jackson,	John S. Steers,
O. Houston Brooks,	W. F. Klair,	J. W. Stump,
Frank J. Brown,	E. W. Lillard,	Eugene W. Tandy,
J. T. Buford,	Hugh Mahin,	C. S. Templeman,
C. C. Chase,	W. C. McChord,	Wm. M. Thompson,
J. Will Clay,	Duncan Milliken,	Geo. C. Waggoner,
W. A. Cope,	Jesse F. Nichols,	E. E. Wash,
Dr. C. F. Crecelius,	A. C. Oliver,	W. R. Whitlow,
W. A. B. Davis,	W. V. Perry,	Geo. S. Wilson,
Wm. E. Dowling,	G. L. Perryman,	J. Hal Woodford,
W. F. Edmunds,	John C. Pirtle,	Mr. Speaker,
John Feland,	J. F. Porter,	(W. J. Gooch)
S. L. Givan,		—53

Those who voted in the negative were—

G. T. Reynolds, Isaac G. Rice,—2

Resolved, that the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 66. An act appropriating money for the erection of buildings upon the State Fair grounds.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of forty thousand dollars shall be appropriated, out of any money in the treasury not otherwise appropriated, to be due and payable as follows: twenty thousand dollars July 1, 1908, and twenty thousand dollars July 1, 1909, for the purpose of erecting buildings for the exhibition of live stock, mineral, horticultural and manufactured products of the Commonwealth. Said buildings shall be erected upon the State fair grounds, and the erection of same shall be under the supervision of the State Board of Agriculture, Forestry and Immigration.

§ 2. The chairman of the State Board of Agriculture, Forestry and Immigration shall require bond, of not more than twenty-five thousand dollars, in favor of the Commonwealth, from said board or its treasurer, and shall file same with the Auditor, and, upon the filing of said bond, the Auditor shall draw his warrant upon the Treasurer for each amount as it falls due, in favor of said State Board of Agriculture, Forestry and Immigration.

§ 3. Since it is necessary for the good of the agricultural and other interests of the State, that work begin as soon as possible upon some of these buildings, an emergency is declared to exist, and this act shall take effect immediately upon its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution, were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,	Robert L. Harris,	Gus W. Richardson,
Robert H. Anderson,	John P. Haswell, Jr.	H. A. Schoberth,
Louis W. Arnett,	F. M. Hutcheson Jr.	W. H. Shanks,
Elliott B. Beard,	J. H. Jackson,	S. Albert Shanklin,
J. W. Berkshire,	T. C. Jackson,	Robert C. Simmons,
O. Houston Brooks,	W. F. Klair,	J. A. Sloan,
Frank J. Brown,	W. L. Kimbrough,	John L. Smith,
W. N. Brown, Jr.,	Cleves G. Kinkead,	John S. Steers,
J. T. Buford,	A. T. Knox,	J. W. Stump,
J. Will Clay,	E. W. Lillard,	C. S. Templeman,
Dr. C. F. Crecelius,	Jasper D. Lowder,	Wm. M. Thompson,
Thurman B. Dixon,	Emanuel Meyer,	Geo. C. Waggoner,
Wm. E. Dowling,	Duncan Milliken,	John P. Wallace,
John Feland,	Chris Mueller,	E. E. Wash,
F. E. Graves,	Jesse F. Nichols,	W. R. Whitlow,
R. G. Gwathmey,	W. V. Perry,	Geo. S. Wilson,
C. W. G. Hannah,	R. S. Rector,	J. Hal Woodford,—51

Those who voted in the negative were—

F. Pierce Blair,	A. T. Lee,	John T. Shanklin,
W. F. Edmunds,	A. C. Oliver,	J. B. Swann,—10
Robert Enlow,	G. T. Reynolds,	
W. J. Jackson,	Isaac G. Rice,	

Resolved that the title thereof be as aforesaid:

The House took up for consideration from the orders of the day a bill entitled:

S. B. 34. An act to amend the Constitution of the Commonwealth of Kentucky for the purpose of aiding the public roads of the counties of the State by permitting State aid to counties for public roads and additional taxation by counties for public roads.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the concurrence of three-fifths of all the members elected to each house of the General Assembly of Kentucky, the yeas and nays being taken thereon and entered in full in their respective Journals, that the following amendment be made to the Constitution of the Commonwealth of Kentucky:

"The credit of the Commonwealth may be given, pledged or loaned to any county of the commonwealth for public road purposes, and any county may be permitted to incur an indebtedness in any amount fixed by the county not in excess of five per centum of the value of the taxable property therein, for public road purposes in said county, provided said additional indebtedness is submitted to the voters of the county for their ratification or rejection at a special election held for said purpose, in such manner as may be provided by law and when any such indebtedness is incurred by any county, said county may levy, in addition to the tax rate allowed under Section 157 of the Constitution of the State of Kentucky, an amount not exceeding twenty cents on the one hundred dollars of the assessed valuation of said county for the purpose of paying the interest on said indebtedness and providing a sinking fund for the payment of said indebtedness.

§ 2. This amendment shall be submitted to the voters of the State for their ratification or rejection at the time and in the manner provided for under Section 256 of the Constitution of Kentucky,

and under the provisions of the Act of May 12, 1897, same being Section 1459 of the compilation of laws known and designated as Carroll's 1903 Edition of Kentucky Statutes.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas an nays being taken on the passage of said bill in accordance with the provision of the constitution, were as follows, viz:

Those who voted in the affirmative were—

Robert H. Anderson,
Louis W. Arnett,
J. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.
J. T. Buford,
Albert Butler,
C. C. Chase,
J. Will Clay,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
Wm. E. Dowling,
J. A. Duff,
W. F. Edmunds,
John Feland,
Thos. E. Finley,
S. L. Givan,
F. E. Graves,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.
F. M. Hutcheson, Jr.,
T. C. Jackson,
W. H. Jones,
W. F. Klair,
W. L. Kimbrough,
Cleves Kinkead,
A. T. Knox,
E. W. Lillard,
Jasper D. Lowder,
Wm. S. Markolf,
W. C. McChord,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
Chris Mueller,
Jesse F. Nichols,
A. C. Oliver,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
R. S. Rector,
Isaac G. Rice,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
John T. Shanklin,
S. Albert Shanklin,
J. A. Sloan,
Jonhn L. Smith,
Sawyer A. Smith,
John S. Steers,
W. H. Strange,
J. B. Swann,
Eugene W. Tandy.
C. S. Templeman,
John P. Wallace,
W. R. Whitlow,
Geo. S. Wilson,
J. Hal Woodford,-67

Those who voted in the negative were—

W. J. Jackson, G. T. Reynolds,

Resolved, that the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 164. An act to appropriate an additional sum of $460,000 for the erection and completion of the new Capitol and other State buildings now in course of construction.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of ninety thousand dollars, ($90,000.00) or so much thereof as may be necessary, is hereby appropriated out of the general revenue of the Commonwealth of Kentucky to be used in the building of a power house for heating and lighting the new State Capitol building.

§ 2. That the sum of seventy-five thousand dollars ($75,000.00) or so much thereof as may be necessary, is hereby appropriated out of the general revenue of the Commonwealth of Kentucky to be expended in purchasing and putting in metal file cases for the new Capitol building.

§ 3. That the sum of one hundred and fifty thousand dollars ($150,000.00), or so much thereof as may be necessary, is hereby appropriated out of the general revenue of the Commonwealth of Kentucky to be expended in furnishing and floor coverings for the new Capitol building.

§ 4. That the sum of thirty thousand dollars ($30,000.00), or so much thereof as may be necessary is hereby appropriated out of the

general revenue of the Commonwealth of Kentucky to be expended for electric light fixtures for the new Capitol building.

§ 5. That the sum of one hundred and fifteen thousand dollars ($115,000.00), or so much thereof as may be necessary, is hereby appropriated out of the general revenue of the Commonwealth of Kentucky to be expended for terraces around the building, grading walks, drives, landscape gardening and approaches on the new Capitol grounds. If at any time in the judgment of the Commissioners it is deemed necessary or advisable for the purpose of arranging, improving or beautifying the grounds, walks, or driveways on said Capitol grounds, said Commissioners are authorized and empowered to exchange any lands now belonging to the State for grounds belonging to owners of property adjacent thereto on such terms as they may deem advisable and to execute and accept deeds rendered necessary by such exchange.

§ 6. Said sum of money shall be set apart by the Auditor of Public Accounts and the Treasurer from the general revenue. Said sum, or any part thereof, shall be paid out by the Treasurer upon the order of the Board of Sinking Fund Commissioners, when such order is signed by the chairman and secretary.

§ 7. The Board of Sinking Fund Commissioners shall cause to be kept by its secretary, a true and complete record of all money paid out, to whom, and for what purpose, and under what order and contract, and monthly statements shall be made to the Governor by the said Secretary, and a full and complete report shall be made to the General Assembly in regular or extra session.

§ 8. The present architect shall be continued in charge of the work herein referred to, in his capacity as architect and Superintendent only so that the completion of the building and its surroundings will be in harmony with the building and general plan of which it is a part.

§ 9. Whereas, the necessity for the completion of the Capitol building in order that it may be occupied as soon as possible produces an emergency, this Act shall take effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and placed upon its passage.

The yeas and nays being taken on the passage of said bill were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,	Wm. E. Dowling,	H. A. Schoberth,
Robert H. Anderson,	J. H. Jackson,	W. H. Shanks,
Louis W. Arnett,	W. F. Klair,	S. Albert Shanklin,
P. W. Berkshire,	Jasper D. Lowder,	Robert C. Simmons,
O. Houston Brooks,	Emanuel Meyer,	John S. Steers,
W. N. Brown, Jr.,	Duncan Milliken,	J. W. Stump,
J. T. Buford,	Chris Mueller,	C. S. Templeman,
C. C. Chase,	Jesse F. Nichols,	Geo. C. Waggoner,
J. Will Clay,	A. C. Oliver,	W. R. Whitlow,
Dr. C. F. Crecelius,	Gus W. Richardson,	Geo. S. Wilson,—30

Those who voted in the affirmative were—

Elliott B. Beard,	R. Dillard Hunter,	John T. Shanklin,
Frank J. Brown,	F. M. Hutcheson Jr.	John L. Smith,
John T. Davis,	W. J. Jackson,	J. B. Swann,
W. A. B. Davis,	E. W. Lillard,	D. P. Taggart,
W. F. Edmunds,	W. C. McChord,	Eugene W. Tandy.
Robert Erlow,	W. V. Perry,	Wm. M. Thompson,
F. E. Graves,	John C. Pirtle,	E. E. Wash,
C. W. G. Hannah,	J. F. Porter,	J. Hal Woodford,-26
John P. Haswell, Jr.	G. T. Reynolds,	

Mr. Graves moved that the vote by which the House failed to pass said bill be reconsidered.

Said motion was agreed to.

Mr. Graves moved that the vote by which the bill was ordered to its third reading be reconsidered.

Said motion was agreed to.

Mr. J. H. Jackson offered the following amendment to said bill:

Amend by adding the following as sections 9, 10 and 11, viz:

Section 9. That the sum of $16,000 be, and the same is hereby appropriated annually for the purpose of keeping the new Capitol buildings and grounds in repair, said money to be paid by the Treasurer upon the warrant of the Auditor of Public Accounts to the Commissioners of the Sinking Fund of Kentucky.

Section 10. Said commissioners will employ one engineer, one assistant engineer, one fireman, one assistant fireman, one electrician, two elevator men, one day watchman, one night watchman, one landscape gardener, and such other employes as said commissioners may deem necessary. The duties and salaries of the various employes to be fixed by the Commissioners, but are not to exceed the amount appropriated.

§ 11. The Commissioners will file with the Governor an annual statement of their acts under this law, and any money unexpended in any year shall be covered into the general fund in the treasury. Provided, that nothing in this act shall interfere with the duties of the Custodian of Public Buildings and Grounds or abrogate his office during the present term.

Said amendment was agreed to.

Mr. Sawyer A. Smith offered the following amendment to said bill:

Amend by striking out section 8 and inserting in lieu thereof the following:

Section 8. The present architect shall be employed as architect in all matters relating to the completion and furnishing of said capitol building and grounds, when, in the judgment of the Capitol Commissioners the services of an architect are necessary, and out of the amount hereinbefore appropriated, there is now appropriated a sum not exceeding $23,000, or so much thereof as may be necessary to pay said architect for the services which he may render under this act.

Said amendment was agreed to.

The yeas and nays being required thereon by Messrs. Sawyer A. Smith and Hannah, were as follows, viz:

Those who voted in the affirmative were—

J. W. Berkshire,
F. Pierce Blair,
W. N. Brown, Jr.
Albert Butler,
C. C. Chase,
H. K. Cole,
W. A. Cope,
Denver B. Cornett,
John T. Davis,
W. A. B. Davis,
Henry H. Denham,
Thurman B. Dixon,
J. A. Duff,
John Feland,
Thos. E. Finley,
S. L. Givan,
R. G. Gwathmey,
C. W. G. Hannah,
Robert L. Harris,
John P. Haswell, Jr.
R. F. Hutchinson,
J. H. Jackson,
W. J. Jackson,
T. C. Jackson,
W. H. Jones,
W. L. Kimbrough,
Cleves G. Kinkead,
A. T. Knox,
A. T. Lee,
E. W. Lillard,
Jasper D. Lowder,
Wm. S. Markolf.
J. B. Maynard,
W. C. McChord,
Emanuel Meyer,
H. L. Myers,
Duncan Milliken,
G. L. Perryman,
R. S. Rector,
Isaac G. Rice,
John T. Shanklin,
Sawyer A. Smith,
R. E. Stewart,
W. H. Strange,
Wm. M. Thompson,
Geo. C. Waggoner,
John P. Wallace,
Harry Weitkamp
W. C. Wynn,—49

Those who voted in the negative were—

A. A. Allphin,	R. Dillard Hunter,	Robert C. Simmons,
Robert H. Anderson,	F. M. Hutcheson Jr.	John L. Smith,
Louis W. Annett,	W. F. Klair,	John S. Steers,
Elliott B. Beard,	Hugh Mahin,	J. W. Stump,
P. W. Berkshire,	Chris Mueller,	J. B. Swann,
O. Houston Brooks,	Jesse F. Nichols,	C. S. Templeman,
J. T. Buford,	A. C. Oliver,	E. E. Wash,
J. Will Clay,	W. V. Perry,	W. R. Whitlow,
Dr. C. F. Crecelius,	J. F. Porter,	Geo. S. Wilson,
Wm. E. Dowling,	Gus W. Richardson,	J. Hal Woodford,-34
W. F. Edmunds,	H. A. Schoberth,	
F. E. Graves,	W. H. Shanks,	

Ordered that said bill, as amended, be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title, and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution, were as follows, viz:

Those who voted in the affirmative were—

J. W. Berkshire,	R. G. Gwathmey,	Duncan Milliken,
F. Pierce Blair,	C. W. G. Hannah,	Chris Mueller,
W. N. Brown, Jr.,	Robert L. Harris,	C. C. Patrick,
J. T. Buford,	John P. Haswell, Jr.	W. V. Perry,
Albert Butler,	R. F. Hutchinson,	G. L. Perryman,
C. C. Chase,	J. H. Jackson,	R. S. Rector,
J. Will Clay,	T. C. Jackson,	Isaac G. Rice,
H. K. Cole,	W. H. Jones,	John T. Shanklin,
W. A. Cope,	W. F. Klair,	Robert C. Simmons,
Denver B. Comett,	W. L. Kimbrough,	J. A. Sloan,
Dr. C. F. Crecelius,	Cleves G. Kinkead,	Sawyer A. Smith,
John T. Davis,	A. T. Knox,	R. E. Stewart,

W. A. B. Davis,	A. T. Lee,	W. H. Strange,
Henry H. Denham,	E. W. Lillard,	Wm. M. Thompson,
Thurman B. Dixon,	Jasper D. Lowder,	Geo. C. Waggoner,
Wm. E. Dowling,	Wm. S. Markolf,	John P. Wallace,
J. A. Duff,	J. B. Maynard,	Harry Weitkamp
John Feland,	W. C. McChord,	W. C. Wynn,
Thos. E. Finley,	Emanuel Meyer,	Geo. S. Wilson—59
S. L. Givan,	H. L. Myers,	

Those who voted in the negative were—

A. A. Allphin,	F. M. Hutcheson Jr.	W. H. Shanks,
Robert H. Anderson,	W. J. Jackson.	John L. Smith,
Louis W. Arnett,	Hugh Mahin,	J. W. Stump,
Elliott B. Beard,	Jesse F. Nichols,	J. B. Swann,
P. W. Berkshire,	A. C. Oliver,	D. P. Taggart,
O. Houston Brooks,	John C. Pirtle,	C. S. Templeman,
Frank J. Brown,	J. F. Porter,	F. E. Wash,
Robert Enlow,	G. T. Reynolds,	W. R. Whitlow,
F. E. Graves,	Gus W. Richardson,	J. Hal Woodford.-28
R. Dillard Hunter,		

Resolved that the title thereof be as aforesaid:

The House took up for consideration from the orders of the day a bill entitled:

S. B. 152. An act for additional improvements at the Kentucky Normal and Industrial Institute for Colored Persons.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of forty thousand dollars, or as much as may be necessary thereof, be, and the same is hereby, appropriated for the benefit of the Kentucky Normal and Industrial Institute for Colored Persons, Frankfort, Kentucky, for the purpose of

paying the outstanding indebtedness heretofore incurred in the purchase of agricultural lands; also for the erection and equipment of an auditorium and practice school; also for the erection and equipment of a mechanical shop; also for the erection and equipment of electric light and heating plants, and for the further extension of the water system of said institution.

§ 2. If, in the judgment of the said board of trustees, the purchase of additional grounds may be necessary for the accommodation of the new buildings herein contemplated, or for the proper conducting of said institution, they may make necessary purchases and pay for the same out of the money herein appropriated.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution, were as follows, viz:

Those who voted in the affirmative were—

A. A. Allphin,	Robert G. Harris,	W. V. Perry,
Robert H. Anderson,	John P. Haswell, Jr.	G. L. Perryman,
Louis W. Arnett,	R. Dillard Hunter,	R. S. Rector,
P. W. Berkshire,	F. M. Hutcheson, Jr.	G. T. Reynolds,
F. Pierce Blair,	R. F. Hutchinson,	Isaac G. Rice,
W. N. Brown, Jr.	J. H. Jackson,	Gus W. Richardson,
J. T. Buford,	T. C. Jackson,	H. A. Schoberth,
C. C. Chase,	W. F. Klair,	W. H. Shanks,
J. Will Clay,	W. L. Kimbrough,	John T. Shanklin,
H. K. Cole,	Cleves G. Kinkead,	Robert C. Simmons,
W. A. Cope,	A. T. Knox,	J. A. Sloan,
Denver B. Cornett,	E. W. Lillard,	John L. Smith,
Dr. C. F. Crecelius,	Jasper D. Lowder,	Sawyer A. Smith,

John T. Davis,	Robert L. Harris,	C. C. Patrick,
W. A. B. Davis,	Wm. S. Markolf,	John S. Steers,
Thurman B. Dixon,	J. B. Maynard,	R. E. Stewart,
Wm. E. Dowling,	W. C. McChord,	W. H. Strange,
John Feland,	Emanuel Meyer,	C. S. Templeman,
Thos. E. Finley,	H. L. Myers,	John P. Wallace,
S. L. Givan,	Duncan Milliken,	Harry Weitkamp
F. E. Graves,	Garfield Moore,	W. C. Wynn,
R. G. Gwathmey,	Chris Mueller,	Geo. S. Wilson,
C. W. G. Hannah,	Jesse F. Nichols,	J. Hal Woodford.-68

Those who voted in the negative were—

O. Houston Brooks,	A. T. Lee,	J. B. Swann,
W. F. Edmunds,	A. C. Oliver,	Wm. M. Thompson,
Rboert Enlow,	J. F. Porter,	E. E. Wash,—11
W. J. Jackson,	J. W. Stump,	

Resolved, that the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 41. An act declaring it unlawful and providing penalties for any person to provide, open, control, manage or keep any room, building, float, vessel or premises in this Commonwealth wherein any persons may assemble and congregate to bet and wager money upon horse races and other contests run and decided in this state, or any other state or country, or to aid or abet another in so doing, or to assemble to bet or wager therein.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person to provide, manage,

maintain, or keep any room, building, float, vessel, or premises in this State, or to aid and abet others in so doing wherein persons assemble and congregate to bet and wager money or other things of value on the result of any horse race, or any other contest between man or beast run or to be decided in this State, or any other State or country, or advertised, posted or reported as having been run or to be run; or wherein any such money is bet or wagered or received and deposited to be transmitted elsewhere to another to so bet or wager or wherein or whereat any money or other thing of value shall be received or paid for any tickets, lot, pool or chance on the result of any such horse race or races run or to be run in or out of the Commonwealth of Kentucky, or advertised, posted or reported as having been run or to be run, and any person or persons who shall violate any provisions of this section shall on conviction be fined not less than one thousand ($1,000) dollars nor more than five thousand ($5,000) dollars and confined in the county jail not less than six (6) nor more than twelve (12) months for each offense; and each day such rooms, building, float, vessel or premises is thus maintained, kept, operated or conducted shall constitute a separate offense.

§ 2. It shall be unlawful for any person to act as the agent or employe of any other person or corporation in establishing, setting up, maintaining, keeping, operating or conducting any such room, building, float, vessel or premises as is defined in section 1 of this act; and any person who shall violate any provisions of this section shall on conviction be confined in the county jail not less than six (6) months nor more than one year for each offense; and each day any person shall thus aid, abet or assist in maintaining, keeping operating, or conducting such a room, building, float, vessel or premises, or shall act as agent, or employe of any person or corporation, firm or association in maintaining, keeping, operating, or conducting same, shall constitute a separate offense.

§ 3. It shall be unlawful for any person, firm, association or corporation, either as owner or agent to let, lease or rent to any other

person, firm, association or corporation, any such room, building, float vessel, or premises to be used or occupied for any of the purposes defined in section 1 of this act, or as owner, or agent, to permit to be so used or occupied after receiving notice thereof; and any person, firm, association or corporation that shall violate any of the provisions of this section shall upon conviction be fined in any sum not less than one thousand ($1,000) dollars nor more than five thousand ($5,000) dollars for each offense, and each day such room, building, float, vessel or premises shall be so used or occupied shall constitute a separate offense.

§ 4. It shall be unlawful for any persons to assemble, congregate or meet for any purpose as set out in section 1 of this act in any such room, building, float, vessel or premises, and the persons so assembled, congregated or meeting, shall be guilty of an unlawful assembly and upon conviction shall be confined in the county jail not less than ten (10) nor more than thirty (30) days.

§ 5. It shall be the duty of the sheriff and all other officers vested with police power to suppress all such rooms, buildings, floats, vessels or premises as are defined in section 1 of this act, and any sheriff or other officer vested with police powers who shall wilfullly fail or refuse to enforce this act by arresting violators thereof shall upon conviction be imprisoned in the county jail not less than six (6) months nor more than one year and a conviction of any such officer shall forfeit his office and render him ineligible to hold any other office in the gift of the Commonwealth.

§ 6. The provisions of this act shall no apply to enclosures wherein horse racing is conducted under license from the State Racing Commission, and it shall not apply to enclosures wherein Trotting or Pacing Races are being conducted by regularly organized Associations for that purpose.

Mr. Mueller offered the following amendment:

Amend by adding the following, viz: Pool selling and betting

on horse races and gambling upon the result of races conducted in this state shall not be allowed and is hereby prohibited.

Said amendment was disagreed to.

Mr. Hannah offered the following amendment to said bill by way of substitute therefor:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person, firm or corporation to establish, set up, maintain, keep, operate pool rooms or conduct or make, on any race track in this State or at any place adjacent thereto, a book, or what is commonly known as a book, wherein or whereat any money or other thing of value shall be, or can be, bet, won or lost on the result of any horse race or races run or to be run on said track, or to set up, maintain, operate or conduct any contrivance whatever of any description at said race track or adjacent thereto, wherein or whereat, or by which any money or other thing of value shall be or can be bet, won or lost at any horse race or races run or to be run at said track, or to bet any money or other thing of value on the result of any horse race or races run or to be run at said track, and any person, firm or coporation who shall violate any of the provisions of this section shall, on conviction, be fined $200.00 for each offense and each day same offense is repeated shall constitute a separate offense.

§ 2. Any person, firm or corporation owning, operating or controlling any race track or pool room or place at which races are run in this State, who shall upon said premises, or on any premises adjacent thereto under the control of said person, firm or corporation operating or controlling said race track suffer, or permit any of the offenses mentioned in section 1, to be committed shall, on conviction thereof, be fined not less than $500, for the first offense and for the

second offense shall be fined not less than $1,000, and if a corporation the charter of said corporation shall be forfeited.

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Hannah and Porter, were as follows, viz:

Those who voted in the affirmative were—

O. Houston Brooks,	Wm. S. Markolf,	J. B. Swann,
C. W. G. Hannah,	J. B. Maynard,	Geo. C. Waggoner,
W. J. Jackson,	J. F. Porter,	—8

Those who voted in the negative were—

Robert H. Anderson,	R. Dillard Hunter,	J. A. Sloan,
Louis W. Annett,	F. M. Hutcheson, Jr.	John L. Smith,
J. W. Berkshire,	J. H. Jackson,	Sawyer A. Smith,
Frank J. Brown,	T. C. Jackson,	John S. Steers,
C. C. Chase,	W. F. Klair,	J. W. Stump,
J. Will Clay,	W. L. Kimbrough,	D. P. Taggart,
H. K. Cole,	E. W. Lillard,	Eugene W. Tandy.
Denver B. Cornett,	W. C. McChord,	Wm. M. Thompson,
Dr. C. F. Crecelius,	Duncan Milliken,	John P. Wallace,
John T. Davis,	C. C. Patrick,	E. E. Wash
Wm. E. Dowling,	W. V. Perry,	Harry Weitkamp,
W. F. Edmunds,	G. T. Reynolds,	W. R. Whitlow,
John Feland,	Gus W. Richardson,	W. C. Wynn,
S. L. Givan,	H. A. Schoberth,	Geo. S. Wilson,
F. E. Graves,	Robert C. Simmons,	J. Hal Woodford,
R. G. Gwathmey,		—46

Mr. Simmons offered the following amendment to said bill:

Strike out section 6 and insert in lieu thereof the following:

Section 6. The provisions of this act shall not apply to enclosures during regular meetings on such enclosures, wherein horse racing

is being conducted under license from the State Racing Commission, and it shall not apply enclosures during regular race meetings wherein trotting and pacing races are being conducted by regularly organized associations organized for that purpose.

Said amendment was agreed to.

Ordered, that said bill as amended be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title, and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution, were as follows, viz:

Those who voted in the affirmative were—

Robert H. Anderson,
Louis W. Arnett,
Elliott B. Beard,
J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
W. N. Brown, Jr.,
C. C. Chase,
J. Will Clay,
Denver B. Cornett,
Dr. C. F. Crecelius,
John T. Davis,
W. A. B. Davis,
Wm. E. Dowling,
W. F. Edmunds,
Robert Enlow,
S. L. Givan,
F. E. Graves,
R. G. Gwathmey,
R. Dillard Hunter,
F. M. Hutcheson Jr.
R. F. Hutchinson,
J. H. Jackson,
W. J. Jackson,
W. F. Klair,
W. L. Kimbrough,
Cleves G. Kinkead,
E. W. Lillard,
Jasper D. Lowder,
Hugh Mahin,
J. B. Maynard,
W. C. McChord,
Duncan Milliken,
Jesse F. Nichols,
A. C. Oliver,
C. C. Patrick,
W. V. Perry,
G. L. Perryman,
John C. Pirtle,
G. T. Reynolds,
Gus W. Richardson,
H. A. Schoberth,
W. H. Shanks,
Robert C. Simmons,
J. A. Sloan,
Jonhn L. Smith,
John S. Steers,
R. E. Stewart,
J. W. Stump,
D. P. Taggart,
Eugene W. Tandy.
John P. Wallace,
E. E. Wash,
Harry Weitkamp
W. R. Whitlow,
W. C. Wynn,
J. Hal Woodford,-58

Those who voted in the negative were—

C. W. G. Hannah, Chris Mueller, J. F. Porter,—4
Wm. M. Thompson,

Resolved, that the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 139. An act to fix certain duties of the Superintendent of Public Instruction, and to make provision for the payment of his traveling expenses.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction shall visit each county in the State at least once during his term of office, and as much oftener as necessary and practicable, to inspect the books and records of the County Superintendents of Schools, to inquire into his management of the school affairs of the county, to visit such schools of the county as may be desirable in order to inform himself with reference to the conditions under which the schools are operating, and to conduct a general campaign in the interest of better schools.

§ 2. He shall receive for traveling and other actual and necessary expenses, while traveling on the business of the department, a sum not exceeding one thousand dollars per annum, and an appropriation of that amount is hereby made for that purpose annually.

§ 3. An act, entitled "An act to provide for paying the expenses of the State Superintendent, when visiting different parts of the State in the interest of education," approved March 16, 1906, is hereby repealed.

§ 4. Whereas, An emergency exists, therefore the act shall take effect and be in force upon its passage and approval.

Ordere that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and placed upon its passage.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution, were as follows, viz:

Those who voted in the affirmative were—

Robert H. Anderson,	John P. Haswell, Jr.	W. V. Perry,
F. Pierce Blair,	R. F. Hutchinson,	G. L. Perryman,
W. N. Brown, Jr.,	J. H. Jackson,	R. S. Rector,
J. T. Buford,	**T. C. Jackson,**	H. A. Schoberth,
C. C. Chase,	W. F. Klair,	W. H. Shanks,
H. K. Cole,	Cleves G. Kinkead,	Robert C. Simmons,
W. A. Cope,	A. T. Knox,	J. A. Sloan,
Denver B. Cornett,	E. W. Lillard,	Sawyer A. Smith,
John T. Davis,	Jasper D. Lowder,	R. E. Stewart,
W. A. B. Davis,	Wm. S. Markolf,	D. P. Taggart,
Thurman B. Dixon,	Emanuel Meyer,	Geo. C. Waggoner,
John Feland,	H. L. Myers,	John P. Wallace,
Thos. E. Finley,	Duncan Milliken,	Harry Weitkamp,
C. W. G. Hannah,	Chris Mueller,	W. C. Wynn,—44
Robert L. Harris,	C. C. Patrick,	

Those who voted in the negative were—

Elliott B. Beard,	F. M. Hutcheson Jr.	Gus W. Richardson,
J. W. Berkshire,	W. J. Jackson,	**John L. Smith,**
P. W. Berkshire,	A. T. Lee,	J. B. Swann,
O. Houston Brooks,	**Hugh Mahin,**	Eugene W. Tandy.
Frank J. Brown,	W. C. McChord,	C. S. Templeman,
Dr. C. F. Crecelius,	Jesse F. Nichols,	Wm. M. Thompson,

Robert Enlow,	A. C. Oliver,	E. E. Wash,
F. E. Graves,	John C. Pirtle,	W. R. Whitlow,
R. Dillard Hunter,	G. T. Reynolds,	Geo. S. Wilson, —27

And so said bill was disagreed to.

Mr. Steers, of the Committee on Enrollments reported that they had examined and found correctly enrolled bills of the following titles:

S. B. 7. An act to amend sections 2 and 5 of article 1 of an act Relating to Revenue and Taxation, approved March 15, 1906.

S. B. 10. An act to provide for the location, erection, organization and management in Kentucky of a State Sanatorium for the care and treatment of tuberculosis, and making an appropriation for the purchase of the necessary land and the construction and equipment of necessary buildings, and making an appropriation for the maintenance of the Sanatorium.

S. B. 27. An act for the benefit of the office of Attorney General, to provide for assistants defining their duties, and fixing their compensation, and providing for certain records to be kept in the office.

S. B. 34. An act to amend the Constitution of the Commonwealth of Kentucky for the purpose of aiding the public roads of the counties of the state by permitting state aid to counties for public roads an additional taxation by counties for the public roads.

S. B. 41. An act declaring it unlawful and providing penalties for any person to provide, open, control, manage or keep any room, vessel, building, or, float, on premises in this Commonwealth wherein any person may assemble and congregate to bet and wager money upon horse races and other contests run and decided in this state or any other state or country or to aid or abet another in so doing, or to assemble or bet or wager therein.

S. B. 44. An act to provide for the appointment of two addi-

tional inspectors of coal mines and to provide for the examination of applicants for certificates of qualifications to serve as foremen in coal mines and to require that persons possessing such certificates of qualification or possessing service certificates shall be employed as such foremen and to require the employment of special shot-firers in coal mines wherein explosive gases or coal dust generate or exist in dangerous quantities, and to authorize and provide for greater protection to the lives and health of persons employed in the coal mines of the state.

S. B. 66. An act appropriating money for the erection of buildings upon the state fair grounds.

S. B. 79. An act to amend section 2 of an act entitled, An act to regulate burial associations, corporations and companies doing business in the State of Kentucky, which act became a law March 24, 1906, without the approval of the Governor.

S. B. 84. An act appropriating $10,000 for the purpose of restoring the monument to Henry Clay in the Lexington cemetery.

S. B. 92. An act to amend and re-enact certain section of the Kentucky Statutes, Chapter 89, article 5, relating to cities of the first class.

S. B. 135. An act to encourage the establishment and maintenance of private contributions of sanatoria in the Commonwealth of Kentucky for the care and treatment of persons suffering from pulmonary tuberculosis, commonly known as consumption, and to make an appropriation to assist such sanatoria as may be already established in Kentucky, and those that may hereafter be established.

S. B. 145. An act to amend an act entitled, An act to amend and re-enact as amended section 1 of an act to provide for the operating expenses of the Houses of Reform, approved March 15, 1898, which act was approved March 21, 1902.

S. B. 146. An act to appropriate money for the benefit of the Houses of Reform, to provide funds to pay the existing deficit and to make improvements at the Houses of Reform.

S. B. 149. An act to amend and act entitled, An act to regulate the sale of intoxicating liquors by wholesale in this commonwealth, which was approved March 22, 1904, and amended by an act approved March 21, 1906.

S. B. 152. An act for additional improvements at the Kentucky Normal and Industrial Institutes for Colored Persons.

S. B. 164. An act to appropriate an additional sum of $460,000 for the erection and completion of the new Capitol and other state buildings now in course of construction.

S. B. 175. An act to amend section 78 of an act for the government of cities of the fourth class, approved June 28, 1893, said section being 3562 of the Kentucky Statutes, 1903 Carroll's edition.

S. B. 181. An act to amend chapter 18 of the acts of 1906 entitled, An act creating and establishing a Board of Commissioners to be known as the Kentucky State Board of Control for Charitable Institutions, and prescribing its duties and powers.

S. B. 190. An act providing vacations for guards at the penitentiaries and Houses of Reform.

S. B. 191. An act to amend an act for the erection, maintenance and protection of public levees.

S. B. 199. An act to amend an act entitled, An act to amend and re-enact subsection 3140 Kentucky Statutes approved by the Governor March 21, 1906.

S. B. 212. An act appropriating money for the Western Kentucky Asylum for the Insane, the Central Kentucky Asylum for the Insane, and the Kentucky Institution for Feeble Minded Children.

S. B. 254. An act for the benefit of the Kentucky School for Deaf.

S. Res. 6. Resolution for the benefit of the Custodian of Public Buildings.

H. B. 66. An act to repeal an act entitled, An act to authorize the organization and maintenance of a graded free school in common school district No. 3 in Johnson county, and approved by the Governor on March 29, 1888.

H. B. 75. An act to amend section 3646 Kentucky Statutes.

H. B. 76. An act to amend an act approved March 13, 1906, entitled, An act to amend an act entitled, An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894.

H. B. 106. An act to amend an act entitled, An act to amend an act entitled, An act to assign the cities and towns of this Commonwealth to the classes to which they belong, approved March 21, 1906.

H. B.164. An act to amend 2630 and 2635 of the Kentucky Statutes by John D. Carroll and the edition of 1903, relating to the sale of drugs.

H. B. 179. An act enabling the Kentucky Board of Pharmacy to exchange certificates of registration with other states allowing pharmacists registered in a foreign state to practice pharmacy in the state of Kentucky.

H. B. 220. An act permitting warehousemen to comingle tobacco of like grades.

H. B. 233. An act repealing an act entitled, An act to incorporate the town of Homer, and repealing an act to amend the charter of the town of Homer, Logan county, Kentucky.

H. B. 241. An act to amend subsection 2412a, article 8, chapter 76 Kentucky Statutes relating to public ditches and creeks.

H. B. 257. An act to amend section 1882, chapter 52, article 5 of the Kentucky Statutes, Carroll's edition of 1903, entitled, Fiscal Courts.

H. B. 262. An act fixing and defining the powers of the several county courts within this Conmmonwealth with reference to persons responsible for, or directly promoting or contributing to the conditions that render a child dependent neglected or delinquent, and providing how such powers may be exercised.

H. B. 264. An act to amend sections 203 and 204 of the Kentucky Codes of Practice in Criminal Cases.

H. B. 306. An act to amend and re-enact 1, 11, 16, 19, 20, 22, 23, 24, and 26 of section 2380 and subsection 4, 5 and 7 of section 2412a, of the 1903 edition of Caroll's Kentucky Statutes, which relate to the drainage of lands in this Commonwealth.

H. B. 312. An act providing for removal of the remains of Thomas F. Marshall and making appropriation for the expense thereof.

H. B. 387. An act to amend an act entitled, An act to amend and re-enact an act continuing the State Dental Association and defining the duties of said association and regulating the practice of dentistry in this state, approved March 17, 1904.

H. Res. 6. Resolution for the benefit of William Wilson.

H. Res. 8. Resolution for the benefit of the ministers of Frankfort.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker in open session in the presence of the House affixed his signature to the same.

Ordered, that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered, that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the two Houses, to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

Mr. Wilson moved that a committee be appointed to inform the Senate that the House has now completed its labors and to request the Senate to appoint a like committee to act in conjunction with the House Committee to wait upon the Governor to inform him that the Senate and House of Representatives composing this General Assembly had completed their labors, and were ready to adjourn sine die, and to ask of him if he had any further communications to make to the General Assembly:

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Wilson, Lillard and Feland as said committee.

After a time the said committee reported that they had waited upon the Senate and had been informed by them that they had completed their labors. That they had acted in conjunction with a like committee from the Senate and waited upon the Governor and informed him that the General Assembly had completed its labors and asked him if he had any further communications to make. That they had been informed by the Governor that he had no further communications to make to the General Assembly.

Thereupon at 12 o'clock, midnight, the House adjourned sine die.

INDEX.

Abortion—

H. B. 32, providing penalty for crime of ---------- 126

Acts, 1906—

H. B. 9, to amend chapter 21 ---------- 121

H. B. 152. to repeal chapter 71---------- 175

Adulterated Goods—

H. B. 157, to prevent manufacture or sale of adulterated, or misbranded food, drugs and liquors---------- 175

S. B. 154, to prevent manufacture or sale of adulterated, misbranded food, drugs and liquors ---------- 405

S. B. 112, to prevent adulteration ---------- 987

S. B. 142, to amend law to prevent---------- 450

Advertising—

H. B. 129, to repeal the law regulating public advertising--------- 162

Agriculture—

S. B. 117, to provide for teaching elements of in public schools---- 606

S. B. 212, to provide for teaching elements of in schools---------- 293

Agriculture, Labor and Statistics—

H. B. 134, to amend the law relating to---------- 163

H. B. 135, to amend the law relating to---------- 163

H. B. 343, authorizing Commissioner of Agriculture to furnish poison to exterminate tobacco fly---------- 351

Agricultural Experiment Station—

H. B. 177, to accept provisions of Act of Congress making appropriation ---------- 179

S. B. 83, to accept provisions of Act of Congress making appropriation for ---------- 558

Agriculture, Forestry and Immigration—

S. B. 197, to amend law creating ---------- 815

Agricultural and Mechanical College—

H. B. 346, to charter the Horace Mann Literary Society ---------- 352

H. B. 26, to change name of ---------- 124

Alcohol—

H. B. 165, providing for teaching effects of ---------- 165

Allphin, A. A.—

Oath taken by ---------- 7

Introduced H. B. 173 ---------- 178

Anderson, Robt. H.—

Oath taken by ---------- 7

Introduced H. B. 143 ---------- 164

H. B. 407 ---------- 510

Appeals—

H. B. 80, to provide for appeals in habeas corpus cases ---------- 80

Appelgate, O. P.—

Oath taken by ---------- 7

Introduced H. B. 13 ---------- 122

H. B. 322 ---------- 348

H. B. 323 ---------- 348

H. B. 373 ---------- 504

Arnett, Louis W.—

Oath taken by ---------- 7
Resolutions offered by ----------22, 101, 191
Introduced H. B. 77 ---------- 134
H. B. 78 ---------- 134
H. B. 79 ---------- 134
H. B. 80 ---------- 134
H. B. 81 ---------- 134
H. B. 82 ---------- 135
H. B. 83 ---------- 135
H. B. 137 ---------- 163
H. B. 231 ---------- 213
H. B. 232 ---------- 213
H. B. 250 ---------- 238
H. B. 336 ---------- 350
H. B. 337 ---------- 350
H. B. 366 ---------- 429

Arnold, H. D.—

Oath taken by---------- 7
S. Res. 4
H. Res. 4, for benefit of ---------- 558
S. Res. 4, for benefit of ---------- 241

Assessment—

H. B. 77, assessment of stock in corporations---------- 134
S, B. 188, relating to assessment for taxation ---------- 513
H. B. 416, to abolish office of assessor and authorize assessments by Justices of the Peace ---------- 583

Assignments—

H. B. 62, to regulate assignment of wages and waiver of exemptions ---------- 131

Attorneys—

H. B. 29, to amend laws relating to ---------- 125
H. B. 259, to regulate admission of to practice law ---------- 239

Attorney General—

H. B. 320, providing assistants ---------- 347
S. B. 27, for benefit of office of and authorizing appointment of assistants ---------- 588

Bacon College—

S. B. 86, to amend charter ---------- 513

Bakeries and Confectioneries—

H. B. 389, to regulate ---------- 507

Banks—

H. B. 275, providing for securities in incorporated banks and providing for a depositors indemnity ---------- 280
H. B. 379, relating to false statements affecting ---------- 505
H. B. 394, prohibiting persons except banks and trust companies from using words "banks," "trust and savings." ---------- 594

Bartholomew, Pius—

H. Res. 5, for reimbursement of revoked license ---------- 241

Base Ball—

H. B. 46, to prevent playing on Sunday ---------- 128

Beard, B. F. & Company and Hardin and Payne—

S. Res. 8, for benefit of ---------- 857
H. Res. 9, for benefit of ---------- 587

Beard, Elliott B.—

Oath taken by ---------- 7
Resolutions offered by ---------- 589, 618, 934

Beard, Elliott B.—Continued.
Introduced H. B. 201 ---- 183
H. B. 256 ---- 239
H. B. 257 ---- 239
H. B. 305 ---- 285
H. B. 408 ---- 511
H. B. 409 ---- 511
H. B. 410 ---- 511
H. B. 411 ---- 511
H. B. 412 ---- 511

Beckham, J. C. W.—
Nominated for United States Senator---- 85, 152

Berkshire, J. W.—
Oath taken by ---- 7
Introduced H. B. 152 ---- 175
H. B. 153 ---- 175
H. B. 154 ---- 175
H. B. 155 ---- 175
H. B. 156 ---- 175

Berkshire, P. W.—
Oath taken by---- 7
Introduced H. B. 241 ---- 236

Birds—
H. B. 60, to protect song and water birds near parks---- 131

Blair, F. Pierce—
Oath taken by ---- 7

Blue Grass—
H. B. 24, designating as state flower---- 124

Barnes, Gilbert—

Nominated janitor ---------- 17

Board of Printing Commissioners—

H. B. 363, authorizing to examine bond of printer of second class matter ---------- 428

Bonds—

H. B. 53, relating to bonds of public officials---------- 129

S. B. 38, relating to bonds of public officials---------- 450

Boone, Daniel—

H. B. 182, to provide for placing statue of in Statuary Hall at the National Capitol ---------- 179

Bradley, W. O.—

Nominated for United State Senator----------85, 152

Elected United States Senator---------- 581

Brashear, John B.—

Contestant of election---------- 28

Committee on Contest---------- 54

Report of Committee on Contest---------- 708

Attorney's fees and expenses paid----------1128

Brooks, O. Houston—

Oath taken by ---------- 7

Introduced H. B. 34 ---------- 126

H. B. 35 ---------- 126

H. B. 36 ---------- 126

H. B. 221 ---------- 211

H. B. 281 ---------- 281

H. B. 282 ---------- 281

Brown, Frank J.—

Oath taken by ---------- 7
Resolution offered by ---------- 353
Introduced H. B. 98 ---------- 138
H. B. 300 ---------- 284
H. B. 301 ---------- 285
H. B. 302 ---------- 285

Brown, W. N. Jr.—

Oath taken by ---------- 7
Introduced H. B. 299 ---------- 284
H. B. 426 ---------- 585

Buford, J. T.

Oath taken by ---------- 7
Introduced H. B. 30 ---------- 125
H. B. 31 ---------- 125
H. B. 32 ---------- 126
H. B. 33 ---------- 126
H. B. 126 ---------- 161
H. B. 179 ---------- 179
H. B. 218 ---------- 210
H. R. 8 ---------- 353
H. B. 382 ---------- 506

Buford, W. S.—

Contestant of election ---------- 28
Committee on Contest ---------- 53
Report of Committee on Contest ---------- 705
Attorney's fees and expenses paid ---------- 1127

Bulls—

H. B. 309, to prevent selling horses or mules known as bulls or chokers ---------- 286

Burial Associations—

H. B. 19 to amend act relating to ---- 123
H. B. 83, to amend law to regulate ---- 135
H. B. 192 to amend act to regulate ---- 181
S. B. 79 to amend act to regulate ---- 818

Butler, Albert—

Oath taken by ---- 7
Notice of contest filed ---- 28
Committee on Contest ---- 54
Report of Committee on Contest ---- 709
Attorney's fees and expenses paid ---- 1128

Cars—

H. B. 183, to prevent over crowding of seating capacity of ---- 180

Cattle—

H. B. 70, to eradicate tuberculosis from ---- 133

Chase, C. C.—

Oath taken by ---- 7

Checkweighman—

H. B. 396, to amend law providing for checkweighman or checkmeasurer ---- 508

Child Labor—

H. B. 178, to regulate ---- 179
H. B. 288, to regulate ---- 282

Children—

H. B. 261, relating to children who are dependent or neglected ---- 240
H. B. 262, relating to powers of county courts relative to neglected children ---- 240

Cigarettes—

H. B. 160, to prohibit manufacture and sale of---- 176

Cities of First Class—

H. B. 49, to amend charter of---- 128
H. B. 56, to amend charter of---- 129
H. B. 64, to prevent truancy in---- 132
H. B. 185, to authorize cities of first class to levy 36 cents additional tax for school purposes---- 180
H. B. 229, to amend the charter of---- 212
H. B. 290, allowing compensation of Board of Aldermen and Board of Councilmen in---- 282
H. B. 291, to amend charter of---- 283
H. B. 328, to amend charter of---- 349
H. B. 331, creating office of assistant Prosecuting Attorneys in Police courts in---- 349
H.B. 332, to amend charter---- 349
H. B. 333, to amend charter---- 350
H. B. 364, to amend charter---- 429
H. B. 390, to amend charter---- 507
S.B. 109, to amend act providing for appointment of police matrons, 502
S. B. 213, to amend act in relation to management of water works in ---- 521

Cities of Second Class—

H. B. 13, to amend charter---- 122
H. B. 22, providing pension fund for families of policemen in---- 124
H. B. 27, relating to free public libraries in---- 125
H. B. 64, to prevent truancy in---- 132
H. B. 76, to amend charter---- 134
H. B. 214, to provide for keeping public sidewalks in, in repair---- 209
H. B. 277, to amend charter of---- 280
H. B. 278, to enable to construct system of streets and issue bonds, 280

Cities of Second Class—Continued.

H. B. 293, authorizing to assess for taxation persons and corporations exercising special privileges 283
H. B. 336, to amend charter of 350
H. B. 381, to amend charter of 505
S. B. 189, to amend charter of 1020
S. B. 193, to amend charter of 521
S. B. 200, to amend charter of 521

Cities of Third Class—

H. B. 40, relating to financial statements of 127
H. B. 193, requiring skatings rinks to pay annual license tax 181
H. B. 244, to provide medical examination of public schools in 237

Cities of Fourth Class—

H. B. 36, to amend charter of 126
H. B. 64, to prevent truancy in 132
H. B. 118, to amend charter of 160
H. B. 170, to amend charter of 177
H. B. 171, to amend charter of 177
H. B. 176, to amend charter of 176
H. B. 193, to require skating rinks in to pay annual license tax 181
H. B. 197, relating to making and publishing financial statements of 182
H. B. 299, to amend act relating to revenue and taxation in 284
H. B. 407, to amend charter of 510
S. B. 35, amending charter of 254
S. B. 92, to amend charter of 934
S. B. 175, to amend charter of 808

Cities of Fifth Class—

H. B. 90, relating to financial statements of 136
H. B. 128, authorizing fiscal courts to appropriate money to repair streets and roads in 162

Cities of Fifth Class—Continued.

H. B. 131, relating to financial statements of---------- 162
H. B. 339, to prevent from levying license tax on public conveyances ---------- 351
S. B. 21, relating to registration in---------- 209
S. B. 203, authorizing councils of towns to construct or reconstruct streets ---------- 982

Cities of Sixth Class—

H. B. 128, authorizing fiscal courts to appropriate money to repair streets and alleys in---------- 162
H. B. 252, to amend charter of---------- 248
H. B. 325, relative to appointment of marshals---------- 348
H. B. 339, to prevent from levying license taxe on public conveyances ---------- 351
S. B. 21, relating to registration in---------- 209

Cities and Towns—

H. B. 106, to amend law to assign to classes to which they belong- 139

Clark, Bennett—

Nominated Cloak Room keeper---------- 19

Clark, M. J.—

Nominated Sergeant at Arms---------- 14

Clay, Henry—

H. B. 123, appropriating $10,000 for monument of---------- 161
S. B. 84, appropriating $10,000 for restoring monument of------- 767

Clay, J. Will—

Oath taken by ---------- 7
Introduced H. B. 313 ---------- 287
H. B. 375 ---------- 504

Clerks—

H. B. 444, prescribing duties of Chief Clerks of House and Senate 816

Coal—

H. B. 418, to protect consumers of 583

Coal Mines—

H. B. 206, fixing penalty for employing miners without two years experience 184

H. B. 208, to make 8 hours a legal day's work in coal mines 184

H. B. 396, to amend law providing for checkweighman or check-measurer 508

H. B. 419, requiring coal operators to register with County Clerks analysis of seams 583

H. B. 44, to provide for appointment of two additional inspectors of 885

Codes of Practice, Civil—

H. B. 8, amending subsection 7, section 57 121

S. B. 17, to amend section 74 521

H. B. 323, to amend section 194 348

H. B. 264, to amend sections 203 and 204 240

H. B. 352, to amend section 211 353

H. B. 400, to amend section 582 509, 349

H. B. 267, to amend subsection 8, section 606 278

H. B. 219, to repeal section 606 211

H. B. 361, to repeal subsection 8, section 606 428

H. B. 295, to amend section 606 283, 511, 715

H. B. 412, to amend section 738 511

Codes of Practice, Criminal—

H. B. 194, to amend sections 1 and 3 of article 2, chapter 6, title 6 182

H. B. 421, to amend sections 280 and 281 584

Codes of Practice—

S. R. 2, to provide for furnishing Codes, Kentucky Statutes, Governor's message and official manual to members ---------- 152

Cold Storage—

H. B. 315, to regulate sale of cold storage fish and eggs ---------- 287

Cole, H. K.—

Oath taken by ---------- 7

Introduced H. B. 19 ---------- 123

H. B. 240 ---------- 236

H. B. 275 ---------- 280

H. B. 324 ---------- 348

H. B. 377 ---------- 505

H. B. 378 ---------- 505

H. B. 379 ---------- 505

Collegiate Degrees—

H. B. 401, to regulate conferring of ---------- 509

Commissioners and Receivers—

H. B. 270, relating to ---------- 279

Committees—

Committee on Rules ---------- 59

Report of Committee on ---------- 60

Report of Committee on Joint Rules ---------- 90

Appointment of Standing Committees on Rules, report of ---------- 615

Common Carriers—

H. B. 68, to regulate liability of for injuries ---------- 132

H. B. 256, to prohibit from holding mines or manufactories ---------- 239

H. B. 287, requiring carriers of passengers to provide comfortable waiting rooms ---------- 282

H. B. 415, regulating time and services ---------- 583

Common Carriers—Continued.

H. B. 417, to regulate charges for transportation of passengers by water ---------- 583

H. B. 432, to regulate storage charges by---------- 586

Commonwealth—

H. B. 141, for government and regulation of---------- 164

Commonwealths Attorney—

H. B. 282, to amend law creating office of Assistant Commonwealths' Attorney in counties having population of 150,000-- 281

Confederate Soldiers—

S. B. 167, for benefit of indigent---------- 514

Congressional Districts—

H. B. 263, dividing the State into 11---------- 240

H. B. 316, dividing the State into 11---------- 287

Constitution—

H. B. 12, to amend section 170---------- 122

H. B. 99, to amend section 171---------- 138

H. B. 100, to carry into effect section 198---------- 138

H. B. 132, to amend section 61 of ---------- 162

H. B. 190, to carry into effect section 197---------- 181

H. B. 281, to amend the Constitution to aid in building public roads 281

H. B. 285, to amend section 177 of---------- 281

S. B. 13, to amend Constitution for classification of property and uniform taxation ---------- 450

S. B. 34, to amend Constitption to aid public roads---------- 340

Cope, W. A.—

Oath taken by ---------- 7

Introduced H. B. 175 ---------- 178

H. B. 239 ---------- 236

H. B. 416 ---------- 583

Cornett, Denver B.—

Oath taken by ---- 7
Notice of contest ---- 28
Committee on Contest ---- 55
Report of Committee on Contest ---- 703
Attorney's fees and expenses paid ---- 1128
Introduced H. B. 151 ---- 174
H. B. 269 ---- 279
H. B. 353 ---- 427
H. B. 370 ---- 504

Corporations—

H. B. 254, to amend the law relating to private corporations ---- 248
H. B. 256, to prohibit corporations engaged as Common Carriers from holding mines or manufactories ---- 239
H. B. 348, to require foreign corporations to file copies of its articles with County Clerks and Secretary of State ---- 352
H. B. 354, to further regulate foreign corporations doing business in Kentucky ---- 427

County Detective—

H. B. 372, to create the office of ---- 504

County Printing—

H. B. 360, to regulate ---- 428

County Surveyor—

H. B. 200, to amend the law to define his duties ---- 183

Courts, Circuit—

H. B. 93, to amend law as to time of holding courts in the Second District ---- 137
H. B. 126, to change time of holding in Fourteenth District ---- 162
H. B. 138, to change time of holding in Thirteenth Oistrict ---- 163
H. B. 147, to regulate holding of in towns over 12 miles from the County Seat ---- 165

Courts, Circuit—Continued.

H. B. 268, to change time of holding in Twelfth District---------- 278
H. B. 357, to change time of holding in Twenty-ninth Dictrict------ 427
H. B. 378, to change time of holding in Sixth District------------- 505
S. B. 110, to change time of holding in Twelfth Judicial District---- 818
S. B. 206, to change time of holding in First District------------- 818
S. B. 236, fixing time for holding courts in the Sixth District------ 819
S. B. 253, to change time of holding Circuit Courts in the Eighth Judicial Discrict---------- 900
S. B. 270, to amend act creating Thirty-third Circuit Court District, 886

Courts, Fiscal—

H. B. 209, authorizing to complete sets of Kentucky Reports------ 184
H. B. 387, to authorize to provide additional revenue for public roads ---------- 506

Court Houses—

H. B. 21, to provide for caring for court houses and grounds in counties having courts of continuous sessions---------- 123

Court or Appeals—

H. B. 359, relating to office of Reporter of Court of Appeals------ 428
H. B. 388, to repeal act authorizing appointment of Commissioner, 507

Covington and Cincinnati—

Bridge Company report filed---------- 25

Crecelius, Dr. C. F.—

Oath taken by ---------- 7
Introduced H. B. 100 ---------- 138
H. B. 101 ---------- 138

Cureton, Nat. C.—

Oath taken by---------- 7
Resolution offered by---------- 219

Custodian of Public Buildings—

S. R. 6, for benefit of 588

Dairyman's Shiping Cans—

H. B. 314, concerning cleaning of 347

S. B. 172, concerning cleaning of 588

Dalton, J. E.—

Contest of election 28

Committee on Contest 53

Report of Committee on Contest 707

Attorney's fees and expenses paid 1128

Davis, John T.—

Oath taken by 7

Davis, W. A. B.—

Oath taken by 7

Introduced H. B. 191 181

H. B. 402 509

Davis, Jefferson—

S. B. 173, to appropriate $2,500 to assist in marking birthplace of 900

Deaf—

H. B. 116, for benefit of Kentucky School for the Deaf 160

H. B. 271, to change corporate name of State School for Education of Deaf 279

S. B. 254, for benefit of Kentucky School for the Dental students 819

H. B. 130, to regulate matriculation of 162

Denham, H. H.—

Oath taken by 148

Introduced H. B. 443 808

Depositions—

H. B. 345, providing for taking in short hand---------- 352

Deposits—

H. B. 355, to award deposits of Commonwealth in hands of Sheriff and Treasurer to highest bidder---------- 427

Destitute Families—

H. B. 398, making it a felony to fail to provide for---------- 509

Detectives—

S. B. 160, to provide for two District Detectives in counties having 150,000 population or over---------- 513

Dixon, Thurman B.—

Oath taken by---------- 7
Notice of contest---------- 28
Committee on Contest---------- 53
Report of Committee on Contest---------- 707
Attorney's fees and expenses paid----------1128
Resolutions offered by----------156, 400, 617
Introduced H. B. 1 ---------- 120
H. B. 2 ---------- 120
H. B. 3 ---------- 120

Dogs—

H. B. 2, to repeal tax on---------- 120
H. B. 18, to repeal tax on---------- 123
H. B. 28, to repeal tax on---------- 125
H. B. 48, fixing liabilitie of owners of dogs---------- 128
H. B. 67, to repeal tax on---------- 132
H. B. 97, to repeal tax on---------- 137
H. B. 127, to repeal tax on---------- 162
H. B. 159, to repeal tax on---------- 176
H. B. 227, to repeal tax on---------- 212

Douthitt, Laidley—

Nominated Page ---------- 20
Elected Page ---------- 20

Dowling, Wm. E.—

Oath taken by ---------- 7
Introduced H. B. 4 ---------- 120
H. B. 149 ---------- 174
H. B. 150 ---------- 174
H. B. 267 ---------- 278
H. B. 268 ---------- 278
H. B. 303 ---------- 285
H. B. 318 ---------- 347

Downs, Robert J.—

Nominated Assistant Clerk ---------- 11

Drainage—

H. B. 50, to amend law relating to ---------- 129
S. B. 267, to amend the drainage laws ---------- 858

Drane, G. W.—

Nominated Cloak Room Keeper ---------- 19

Duff, J. A.—

Oath taken by ---------- 7
Introduced H. B. 345 ---------- 352

Dunn, A. C.—

Nominated Door Keeper ---------- 15
Elected Door Keeper ---------- 16

Dunstall, Gulick—

Nominated Page ---------- 20
Elected Page ---------- 21

Eckstein Norton Institute—

H. B. 399, to appropriate $3,000 annually to ---- 509

Edmunds, Roger Richardson—

Appointed messenger ---- 100

Edmunds, W. F.—

Oath taken by ---- 7

Introduced H. B. 413 ---- 511

Educational Commission—

H. B. 205, to create a ---- 183

S. B. 122, to create a ---- 559

Education—

H. B. 238, to amend act concerning education of children ---- 236

H. B. 318, concerning and dedicating State Capitol buildings and grounds for this purpose ---- 347

S. B. 216, concerning and dedicating State Capitol buildings and grounds ---- 885

Edwards, James—

Nominated cloak room keeper ---- 18

Elected cloak room keeper ---- 19

Electricity—

S. B. 32, to authorize use of public highways for transmission of ---- 218

Electrocution—

S. B. 25, to provide for infliction of death penalty by ---- 340

Elections—

H. B. 10, to amend election laws ---- 121

H. B. 17, to repeal amendment to election law ---- 123

H. B. 39, to amend the law relating to ---- 127

Elections—Continued.

H. B. 110, to amend the law relating to ---- 140
H. B. 153, to amend the law elating to ---- 175
H. B. 283, to further regulate ---- 281

Elks Frankfort Lodge—

Invitation from ---- 25

Empiricism—

H. B. 242, to protect citizens from ---- 236

Employes—

H. B. 71, qualifying risks to be assumed by ---- 133

Enlow, Robert—

Oath taken by ---- 7
Introduced H. B. 86 ---- 135
H. B. 190 ---- 184
H. B. 436 ---- 686

Examining Courts—

S. B. 154, providing for stenographic reports in examining courts ---- 885

Executive Mansion—

H. B. 31, to appropriate $50,000 to build a new mansion ---- 125
S. B. 155, to appropriate $50,000 to build Executive mansion ---- 471

Exemption Law—

H. 223, to repeal amendment to ---- 211
H. B. 436, to amend the ---- 686

Experiment Station—

H. B. 235, to establish a sub-experiment station in Eastern Kentucky and one in Western Kentucky ---- 235
S. B. 166, to establish a sub-experiment station in Eastern Kentucky and one in Western Kentucky ---- 513

Fairs—

H. B. 365, to prevent circuses or wild west shows from showing on days fairs are held at county seats ---------- 429
S. B. 228, to prevent circuses and wild west shows from showing on days fairs are held at county seats ---------- 982

Feland, John—

Oath taken by ---------- 7
Resolution offered by ---------- 619
Introduced H. B. 119 ---------- 160
H. B. 174 ---------- 178

Female Colleges and Boarding Schools—

H. B. 439, protecting ---------- 686

Ferries—

H. B. 347, to amend act to require operators to provide waiting rooms ---------- 352

Fiduciaries—

H. B. 15, relating to bonds of ---------- 122

Finley, Thos. E.—

Oath taken by ---------- 7
Notice of contest ---------- 28
Committee on contest ---------- 54
Report of commitee on contest ---------- 709
Attorneys fees and expenses paid ---------- 1128
Introduced H. B. 48 ---------- 128

Fire Insurance Companies—

H. B. 311 to further regulate assessment of ---------- 286
H.. B. 440, to regulate assessment ---------- 728
S. B. 207, to further regulate assessment ---------- 900

Fire, Marine and Tornado Insurance—

S. B. 218, regulating writing policies in and fixing penalties for rebating ---------- 818

Flat Gap—

H. B. 438, to repeal charter of ---------- 686

Fogg, Finley E.—

Nominated Prison Commissioner ---------- 95

Elected Prison Commissioner ---------- 97

Frankfort—

H. B. 218, to appropriate $3,212 to reimburse city for extra police service in 1899 and 1900---------- 210

Futures—

H. B. 51, to prevent contracts for sale of ---------- 129

Game and Fish—

H. B. 121, for preservation and propagation of---------- 161

Game Preserves—

H. B. 376, to establish in the Commonwealth---------- 505

Game—

H. B. 155, to amend the game laws ---------- 175

H. B. 426, to amend act to protect game and small birds--------- 585

General Assembly—

S B. 158, fixing compensation of members of---------- 559

Geological Survey—

H. B. 198, to provide for continuation for---------- 559

Givan, S. L.—

Oath taken by ---------- 7

Gooch, W. J.—

Oath taken by ---------- 7
Nominated for Speaker ---------- 8
Elected Speaker ---------- 9
Resolution offered by ---------- 214

Good Roads Commission—

S. Res. 5, providing for appointing ---------- 405

Gorham, A. J.—

Contestant of election ---------- 28
Committee on contest ---------- 54
Report of committe on contest ---------- 157
Atorneys fees and expenses paid ----------1128

Governor—

Message of ----------30, 185, 288, 528, 821, 1047
S. B. 12, to provide stenographer for----------

Graves, F. E.—

Oath taken by ---------- 7
Resolution offered by ----------1130
Introduced H. B. 93 ---------- 137
H. B. 94 ---------- 137
H. B. 344 ---------- 352
H. B. 423 ---------- 584
H. B. 424 ---------- 584

Guards—

S. B. 190, providing for vacation of guards at penitentiaries and houses of reform ---------- 818

Gwathmey, R. L.—

Oath taken by ---------- 7
Resolutions offered by ----------277, 318

Gwathmey, R. L.—Continued.

Introduced H. B. 49 ---- 128
H. B. 50 ---- 129
H. B. 133 ---- 162
H B. 183 ---- 180
H. B. 184 ---- 180
H. B. 222 ---- 211
H. B. 287 ---- 282
H. B. 328 ---- 349
H. B. 362 ---- 428
H. B. 388 ---- 507

Habaes Corpus—

H. B. 80, providing for appeals to Court of Appeals ---- 134

Hammond, A. B.—

Nominated enrolling clerk ---- 13

Hannah, C W. G.—

Oath taken by ---- 7
Resolution offered by ---- 199
Introduced H. B. 129 ---- 162
H. B. 180 ---- 179
H. B. 223 ---- 211
H. B. 224 ---- 211
H. B. 225 ---- 211
H. B. 226 ---- 212
H. B. 227 ---- 212
H. B. 325 ---- 348
H. B. 326 ---- 348
H. B. 327 ---- 349
H. B. 361 ---- 428
H. B. 385 ---- 506

Harris, Robert L.—

Oath taken by ---- 7

Harris, Robert L.—Continued.

Introduced H. B. 61 ---- 163
H. B. 134 ---- 161
H. B. 135 ---- 163
H. B. 187 ---- 180
H. B. 288 ---- 282
H. B. 396 ---- 508
H. B. 397 ---- 509

Haswell, J. P., Jr.—

Oath taken by ---- 7
Nomiated for Speaker ---- 8
Resolution offered by ---- 858
Introduced H. B. 9 ---- 121
H. B. 10 ---- 121
H. B. 11 ---- 122
H. B. 12 ---- 122
H. B. 160 ---- 122
H. B. 161 ---- 176
H. B. 213 ---- 176
H. B. 236 ---- 235
H. B. 237 ---- 235
H. B. 238 ---- 236
H. B. 273 ---- 279
H. B. 320 ---- 347
H. Res. 9---- 587

Health Officers—

H. B. 98, to provide an annual school of in counties and cities---- 138
S. B. 103, to provide for annual school in counties and cities---- 588

Hickman, Hon. G. W.—

S. Res. 7, for benefit of widow of ---- 885

Hawes—

H. B. 233, to repeal charter of ---- 213

Hopkins, W.—

Oath taken by ---------- 7
Introduced H. B. 28 ---------- 125
H. B. 29 ---------- 125
H. B. 437 ---------- 686

Horses—

H. B. 366, to prohibit docking of ---------- 429

Hotels—

H. B. 23, for protection of owners and keepers ---------- 124

Houses of Reform—

H. B. B. 231, to appropriate money for benefit of ---------- 213
H. B. 232, providing for operating expenses of ---------- 213
S. B. 145, to amend act providing operation of Houses of Reform -- 732
S. B. 146, appropriating money for benefit of ---------- 732

House Bills—

H. B. 1, to amend section 1896, chapter 53, Kentucky Statutes ---------- 120, 717, 736
H. B. 2, to repeal the tax on dogs ---------- 120, 728, 744, 849, 886
H. B. 3, to amend section 354, Kentucky Statutes, ---------- 120, 719, 737
H. B. 4, to regulate sale of spirituous, vinous and malt liquors ---------- 120
H. B. 5, to establish the maximum rate for transportation of passengers by railroads ---------- 120
H. B. 6, providing age limit for operators of telegraphs and telephones ---------- 121
H. B. 7, providing eight hour day for operators of telegraphs and telephones ---------- 121
H. B. 8, amending subsection 7, section 57 Civil Code of Practice ---------- 729
H. B. 9, to amend chapter 21, Acts 1906, relating to selling of liquors ---------- 121
H. B. 10, to amend the election law ---------- 121

House Bills—Continued.

H. B. 11, to provide extra clerical service for the State Library, 122, 216, 429, 262, 1020, 1074, 1122
H. B. 12, to amend section 170 of the Constitution ---------- 122
H. B. 13, to amend charters of cities of the second class, 122 724, 741, 882
H. B. 14, to amend chapter 57, section 1941, Kentucky Statutes--- 122
H. B. 15, relating to bonds of fiduciaries---------- 122
H. B. 16, to amend sections 528, 533, 537 and 1739 Kentucky Statutes ----------122, 730
H. B. 17, to repeal amendment election law---------- 123
H. B. 18, to repeal tax on dogs---------- 123
H. B. 19, to amend act relating to burial associations---------- 123
H. B. 20, to amend law relating to revenue andtaxation---------- 123
H. B. 21, to provide for care of court houses and public grounds in counties having courts of continuous session, 123, 241, 258, 771, 779, 809, 981, 1122
H. B. 22, providing pension fund for families of deceased policemen in cities of the second class----------124, 241, 257, 303
H. B. 23, for protection of owners and keepers of hotels, restaurants and boarding houses ----------124, 720, 738
H. B. 24, designating the Blue Grass as the State flower--124, 716, 735
H. B. 25, to provide a State Sanitarium for Treatment of Tuberculosis ---------- 124
H. B. 26, to change the name of the Agricultural & Mechanical College of Kentucky----------124, 322, 394, 406, 570, 587
H. B. 27, act relating to free public libraries in cities of the second and third class----------125, 724, 741
H. B. 28, to establish a road fund and to repeal tax on dogs------ 125
H. B. 29, to amend law relating to attorneys at law, attorney-general, attorney for the commonwealth and attorney for counties ---------- 125
H. B. 30, appropriating money for building new State Capitol--- 125
H. B. 31, to appropriate $50,000 for providing new executive mansion ---------- 125

House Bills—Continued.

H. B. 32, providing penalty for crime of abortion, 126, 357, 662, 814, 1046, 1075, 1122
H. B. 33, to amend section 3915, Kentucky Statutes relating to pools and trusts---- 126
H. B. 34, to amend law creating State Board of Control for Charitable Institutions---- 126
H. B. 35, to amend section 4031, Kentucky Statutes---- 126, 718, 736
H. B. 36, to aemnd charters of cities of the fourth class, 126, 216, 249, 259, 558, 587, 820
H. B. 37, relating to collection of taxes---- 127
H. B. 38, amending section 1486, Kentucky Statutes---- 127
H. B. 39, to amend the election law---- 127
H. B. 40, relating to financial statements of cities of the third class ---- 127, 301, 390, 446
H. B. 41, to amend act relating to revenue and taxation---- 127
H. B. 42, to amend section 1840, Kentucky Statutes---- 127, 771, 780
H. B. 43, to fix and regulate fees of jailers---- 127
H. B. 44, to amend act for benefit of Kentucky Children's Home Society ---- 128, 320, 392, 420, 521, 587, 820
H. B. 45, to amend section 3681, Kentucky Statutes---- 128, 587
H. B. 46, to prevent playing base ball, town ball and foot ball on Sunday ---- 128, 321, 390
H. B. 47, to prevent use of Paris green on tobacco---- 128
H. B. 48, to promote sheep industry and fixing liability of owners of dogs ---- 128
H. B. 49, to amend charters of cities of the first class---- 128
H. B. 50, to amend act relating to drainage systems---- 129
H. B. 51, to prohibit contracts for sale of commodities known as futures ---- 129, 715, 735
H. B. 52, to amend sections 3751 and 3752, Kentucky Statutes--- 129
H. B. 53, relating to bonds of public officials---- 129
H. B. 54, to amend section 2094, Kentucky Statutes---- 129, 719, 737

House Bills—Continued.

H. B. 55, to amend section 2932, Kentucky Statutes---------- 129
H. B. 56, to amend charter of cities of the first class---------- 129
H. B. 57, to amend section 576, Kentucky Statutes---------- 129
H. B. 58, to amend section 246, Kentucky Statutes------129, 715, 734
H. B. 59, to appropriate money to erect monument at Shiloh National Military Park----------130, 727, 743
H. B. 60, to protect song and water birds in and near parks in cities of the first class----------131, 717, 736
H. B. 61, to limit hours of daily service of laborers and mechanics upon public works of the State----------131, 717, 736
H. B. 62, to regulate assignment of wages and waiver of exemptions ---------- 131
H. B. 63, to amend section 3025, Kentucky Statutes---------131, 731
H. B. 64, to promote and compel attendance of children and prevent truancy in cities of the first, second and fourth classes, 132, 320, 389, 574, 619, 620, 981, 1122
H. B. 65, to amend section 2773, Kentucky Statutes---------- 132
H. B. 66, to repeal act organizing and maintaining graded free school in Common School district No. 3, in Johnson county, 132, 358, 662, 744, 1108, 1223
H. B. 67, to repeal act imposing tax on dogs---------- 132
H. B. 68, to regulate liability of common carriers for injuries to employes ----------132, 424, 663
H. B. 69, to prevent operation of pool rooms in the State-------133, 816
H. B. 70, to eradicate tuberculosis from cattle---------- 133
H. B. 71, qualifying risks to be assumed by employes----133, 424, 663
H. B. 72, to prevent continuations of public nuisances---------- 133
H. B. 73, to amend section 1459, Kentucky Statutes---------- 133
H. B. 74, to provide for nominations for United States Senators by direct vote---------- 133
H. B. 75, to amend section 3646, Kentucky Statutes, 133, 302, 388, 671, 1108, 1223

House Bills—Continued.

H. B. 76, to amend charter of cities of second class, 134, 299, 388, 669, 903, 1108, 1223

H. B. 77 to define and regulate assessment of stock in corporations ---------- 134, 242, 257, 388, 396, 570, 587, 820

H. B. 78, for protection of life and property from damage from operation of steamboilers in cities of the first, second, third and fourth classes ---------- 134, 722, 739

H. B. 79, to limit racing on race tracks or courses ---------- 134

H. B. 80, providing for appeals to Court of Appeals in habeas corpus cases ---------- 134

H. B. 81, to amend law relating to revenue and taxation ---------- 135

H. B. 82, to amend subsection 7, of section 1019, Kentucky Statutes ---------- 135, 721, 738

H. B. 83, to amend law to regulate burial associations ---------- 135, 714, 734

H. B. 84, to amend section 1304, Kentucky Statutes ---------- 135, 358, 663

H. B. 85, to provide for appointment of official stenographer in each Circuit Court district ---------- 135, 716, 735

H. B. 86, to amend law relating to revenue and taxation ---------- 135

H. B. 87, changing towns of Huntsville and Crab Orchard from fifth to sixth classes ---------- 136

H. B. 88, to amend sections 4338 and 932, Kentucky Statutes, 136, 771, 780

H. B. 89, governing agents of railroad and other common carriers in issuing bills of lading ---------- 136

H. B. 90, relating to financial statements of cities of the fifth class ---------- 136, 300, 674

H. B. 91, to create a Board of State Bank Examiners, 136, 256, 302, 303, 912

H. B. 92, to amend act to establish system of State Normal schools in Kentucky ---------- 137, 322, 394, 426, 429, 981, 1122

H. B. 93, to amend law as to time of holding courts in the Second Circuit Court District ---------- 137, 425, 622, 688, 981, 1123

H. B. 94, to regulate practice of veterinary medicine, surgery and dentistry ---------- 137

House Bills—Continued.

H. B. 95, to amend act relating to revenue and taxation---------- 137
H. B. 96, to repeal law relating to revenue and taxation---------- 137
H. B. 97, to repeal law imposing tax on dogs---------- 137
H. B. 98, to provide an annual school of County and City Health officers ---------- 138
H. B. 99, to amend section 171 of the Constitution---------- 138
H. B. 100, to carry into effect section 198 of the Constitution------ 138
prevent trusts from controlling tobacco markets--------138, 302
H. B. 101, amending law premitting persons to pool their crops, 138, 228, 250, 310, 767, 768, 819, 820, 1023
H. B. 102, to establish Central Bureau of Vital Statistics-----138, 730
H. B. 103, to prevent the sale or transfer of personal property where the posession is in one person and the title in another----------139, 250, 268, 767, 769, 819, 820
H. B. 104, to amend section 547, Kentucky Statutes----139, 717, 736
H. B. 105, to amend sections 683 and 684, Kentucky Statutes, 139, 300, 391, 442, 818, 819, 820
H. B. 106, to amend act to assign cities and towns to classes to which they belong----------139, 832, 860, 929, 1108, 1223
H. B. 107, to amend law relating to revenue and taxation, 139, 301, 388, 676, 1070, 1123
H. B. 108, to amend section 4375, Kentucky Statutes, 140, 250, 264, 1070, 1123
H. B. 109, to amend law relating to revenue and taxation, 140, 388, 679, 687, 1070, 1123
H. B. 110, to amend the election laws---------- 140
H. B. 111, to amend law relating to revenue and taxation---------- 140
H. B. 112, for the improvement of public roads---------- 140
H. B. 113, regulating the insurance department---------- 140
H. B. 114, providing for transportation of attendants with shipments of live stock----------159, 727, 743, 873
H. B. 115, to protect lives and property of persons travelling and shipping freight ---------- 160

House Bills—Continued.

H. B. 116, for benefit of Kentucky Schools for the Deaf---------- 160
H. B. 117, to appropriate $3,000 to enable Commissioners of Perryville Confederate monument to purchase additional ground ----------160, 727, 743
H. B. 118, to amend charter of cities of the fourth class---------- 160
H. B. 119, to amend chapter 36, Kentucky Statutes------160, 720, 738
H. B. 120, to amend section 1308, Kentucky Statutes, 160, 358, 663, 840, 1019, 1123
H. B. 121, for the preservation ad propagation of game and fish-- 161
H. B. 122, to amend section 4309, Kentucky Statutes---161, 770, 780
H. B. 123, appropriating $10,000 for repair of monument of Henry Clay ----------161, 727, 743
H. B. 124, to amend the law to regulate the practice of pharmacy ---------- 161
H. B. 125, to amend section 1159, Kentucky Statutes----------161, 730
H. B. 126, to change time of holding courts in the Fourteenth Circuit Court district---------- 162
H. B. 127, to repeal the law imposing a tax on dogs---------- 162
H. B. 128, authorizing fiscal courts to appropriate money to repair streets and roads in cities of fifth and sixth classes---------- 162
H. B. 129, to repeal the law to regulate public advertising------ 162
H. B. 130, to regulate batriculation of medical and dental students----------162, 321, 393
H. B. 131, relating to financial statements of cities of the fifth class ----------162, 300, 389
H. B. 132, to amend section 61 of the Constitution---------- 162
H. B. 133, to amend section 738, Kentucky Statutes ---------- 163
H. B. 134, to amend the law relating to agriculture, labor and statistics ----------163, 717, 736
H. B. 135, to amend the law relating to agriculture, labor and statistics ---------- 163
H. B. 136, to allow pensions to Veteran Voluntary Firemen's Association ----------163, 301, 393, 797, 1045, 1123

House Bills—Continued.

H. B. 137, relating to public printing, binding and stationery..... 163

H. B. 138, to change the calendar of the Thirteenth Judicial District 163, 425, 664, 793, 1070. 1123

H. B. 139, to amend the law relating to the penitentiaries at Frankfort and Eddyville..... 164, 665, 710

H. B. 140, for the benefit of the three State Normal Schools at Lexington, Richmond and Bowling Green, 164, 322, 394, 447, 465, 472, 481, 498, 570, 687, 1104

H. B. 141, for the government and regulation of the Commonwealth 164, 359, 661, 746, 1070, 1123

H. B. 142, qualifying women to vote in school elections and to hold common school offices 164, 359

H. B. 143, to amend section 4315, Kentucky Statutes, 164, 321, 390, 835, 1070, 1123

H. B. 144, to fix the salaries of circuit judges..... 165, 241, 257, 668

H. B. 145, to regulate the tobacco industry..... 165, 227, 250, 270, 293 459, 465, 492, 514, 520, 522, 574, 589, 1020, 1025, 1028

H. B. 146, providing for teaching the effects of alcohol and narcotics 165, 358, 663

H. B. 147, to amend act to regulate holding of courts in towns over 12 miles from the county seat..... 165

H. B. 148, to amend chapter 2054, Kentucky Statutes..... 165, 725, 742

H. B. 149, to amend the school book law..... 174

H. B. 150, to amend subdivision 2, article 15, chapter 40, Kentucky Statutes 174, 424, 663, 816, 828

H. B. 151, to prevent the desecration of the ensign of the United States 174, 716, 735

H. B. 152, to repeal chapter 71, Acts of 1906, 175, 256, 302, 619, 695, 981, 1123

H. B. 153, to amend the election law..... 175

H. B. 155, to amend the game laws..... 175

H. B. 156, to repeal section 1887, Kentucky Statutes..... 175

House Bills—Continued.

H. B. 157, to prevent manufacture and sale of adulterated or misbranded goods, drugs, medicines and liquors, 175, 242, 257, 316, 357, 521, 587, 1023

H. B. 158, to repeal subsection 2, of section 2103, Kentucky Statutes ---------- 175, 730

H. B. 159, to repeal law imposing tax on dogs---------- 176

H. B. 160, to prohibit manufacture and sale of cigarettes, 176, 725, 74?

H. B. 161, to amend chapter 58, Kentucky Statutes-------176, 720, 738

H. B. 162, to amend act to regulate running of motor vehicles, 176, 666, 711, 1017

H. B. 163, to fix liability of common carriers in transportation of bulls, boars and hogs----------176, 727, 743

H. B. 164, to amend sections 2630 and 2635, Kentucky Statutes, 176, 726, 742, 1013, 1108, 1223

H. B. 165, to require annual apportionment and accounting of surplus of life insurance companies---------- 177

H. B. 166, relating to salaries of officers and agents of life insurance companies ---------- 177

H. B. 168, to require annual apportionment and accounting of surplus of life insurance companies---------- 177

H. B. 169, to amend section 3501, Kentucky Statutes---------- 177

H. B. 170, to amend charter of cities of the fourth class----177, 300, 389

H. B. 171, to amend charter of cities of the fourth class---------- 177

H. B. 172, to amend charter of cities of the fourth class---------- 176

H. B. 173, to require growers of tobacco to procure license, 178, 666, 711

H. B. 174, to amend act to establish Houses of Reform---------- 178

H. B. 175, to further regulate the sale of spirituous, vinous and malt liquors ----------178, 425, 664

H. B. 176, to amend act to provide for inspection of nursery stock and to prevent dissemination of noxious insects and fungus, 178

H. B. 177, to accept provision of Act of Congress increasing appropriation for Agricultural Experiment Station---------- 179

House Bills—Continued.

H. B. 178, to regulate child labor ---------- 179
H. B. 179, to enable Kentucky Board of Pharmacy to exchange certificates of registration with others States, 179, 321, 392, 1108, 1223
H. B. 180, to amend section 2096, Kentucky Statutes ---------179, 730
H. B. 181, to repeal section 1401, Kentucky Statutes ---------- 179
H. B. 182, to provide for placing statue of Daniel Boone in the State Statuary Hall at the National Capitol---------- 179
H. B. 183, to prevent over crowding of seating capacity of cars--- 180
H. B. 184, to aid in settlement of strikes and lockouts in mines and industries connected with public utilities---------- 180
H. B. 185, to authorize cities of the first class to levy additional tax of 36 cents for school purposes----180, 393, 701, 1045, 1124
H. B. 186, act concerning State Normal and Industrial Institute-- 180
H. B. 187, to amend act to increase efficiency of the office of Inspector of Mines----------180, 722, 739
H. B. 188, to amend section 202, Kentucky Statutes-----181, 320, 389
H. B. 189, to amend section 2033, Kentucky Statutes------181, 320, 389
H. B. 190, to carry into effect section 197 of the Constitution--181, 388
H. B. 191, to provide for payment of jurors not accepted for jury service ----------181, 715, 735
H. B. 192, to amend act to regulate burial associations---------- 181
H. B. 193, to require skating rinks in third and fourth class cities to pay an annual license tax---------- 181
H. B. 194, to amend sections 1 and 3 of article 2, chapter 6, title 6, Criminal Code of Practice---------- 182
H. B. 195, relating to liability of persons and corporations sustaining relation of master and servant, employer and employe ---------- 182
H. B. 196, providing for special judges in particular cases---------- 182
H. B. 197, relating to making and publishing financial statements of cities of the fourth class----------182, 713, 733
H. B. 198, providing for continuation of Geological, Topographical and Agricultural Survey--------182, 320, 389, 619, 689, 1070, 1124

House Bills—Continued.

H. B. 199, to amend act to regulate granting of license to practice law ---------- 183

H. B. 200, to amend the law to define the duties of County Surveyor ----------183, 771, 780, 906

H. B. 201, to amend section 567, Kentucky Statutes---183, 710, 736, 872

H. B. 202, to amend section 786, Kentucky Statutes------293, 728, 743

H. B. 203, to amend section 2118, Kentucky Statutes---------- 183

H. B. 204, to amend section 1541, Kentucky Statutes, 183, 256, 302, 670, 1170, 1124

H. B. 205, to create an Educational Committee----------183, 358, 663

H. B. 206, fixing penalty on operators of coal mines to permit miners to work who have not had two years' experience ----------184, 721, 739

H. B. 207, to regulate time of holding court by justices of the peace in civil cases----------184, 256, 303, 323, 1071, 1124

H. B. 208, to make eight hours a legal day's work in coal mines, 184, 781, 813

H. B. 209, to authorize fiscal courts to complete sets of Kentucky Reports ----------184, 720, 738

H. B. 210, to amend section 4643, Kentucky Statutes, 209, 425, 661, 697, 1045, 1124

H. B. 211, relating to liabilities of persons and corporations to their employer---------- 209

H. B. 212, to amend section 3623, Kentucky Statutes-------209, 733

H. B. 213, to amend section 3643, Kentucky Statutes------209, 299, 389

H. B. 214, providing for keeping in repair public sidewalks of cities of the second class----------209, 724, 741

H. B. 215, to regulate practice of veterinary surgery and dentistry, 210

H. B. 216, to amend section 1738, Kentucky Statutes---------- 210

H. B. 217, for safety of employes of railroads----------210, 727, 743

H. B. 218, to appropriate $3,212 to reimburse City of Frankfort for amount extra police service in 1899 and 1900-----210, 667

H. B. 219, to repeal section 606, Civil Code of Practice--------- 211

House Bills—Continued.

H. B. 220, permitting warehousemen to commingle tobacco of different grades ----------211, 727, 743, 1009, 1108, 1223
H. B. 221, to amend section 1741, Kentucky Statutes--------211, 730
H. B. 222, to amend section 1726, Kentucky Statutes---------- 211
H. B. 223, to repeal amendment to exemption law---------- 211
H. B. 224, to amend section 2101, Kentucky Statutes---------- 211
H. B. 225, for further protection of railroad employes---------- 211
H. B. 226, to promote safety of railroad employes---------- 212
H. B. 227, to repeal act imposing tax on dogs---------- 212
H. B. 228, to amend Act of 1906 relative to sale of intoxicating liquors ----------212, 216, 242, 559, 564
H. B. 229, to amend charter of first class cities---------- 212
H. B. 230, to amend section 2949, Kentucky Statutes, 213, 301, 393, 798, 1045, 1124
H. B. 231, to appropriate money for benefit of Houses of Reform, 213, 665, 711
H. B. 232, to amend act providing for operating expenses of Houses of Reform ----------213, 665, 710
H. B. 233, t orepeal act to incorporate the town of Homer, 213, 300, 392, 699, 1108, 1223
H. B. 234, to repeal an act relating to revenue and taxation----- 235
H. B. 235, to establish a subexperiment station in Eastern Kentucky and a like station in Western Kentucky, 235, 256, 302, 669
H. B. 236, to amend act relating to revenue and taxation--------- 235
H. B. 237, to amend subsection 6 of section 4370, Kentucky Statutes ----------235, 358, 663
H. B. 238, to amend an act concerning the education of children, 236, 358, 663
H. B. 239, to amend an act to regulate the carrying, moving and distributing liquors in local option districts------236, 321, 389
H. B. 240, dividing the State into 100 Representative districts--- 236
H. B. 241, to amend subsection 2412-A, Kentucky Statutes, 236, 717, 736, 998, 1108, 1223

House Bills—Continued.

H. B. 242, to amend law to protect the citizens from empiricism-- 236
H. B. 243, dividing the State into 38 Senatorial districts--------- 236
H. B. 244, to provide medical examination and inspection of public schools in cities of the third class----------237, 725, 242, 1005
H. B. 245, to amend section 528 of the Kentucky Statutes, 237, 721, 738
H. B. 246, regulating growth of tobacco and penalties for violation of same ---------- 237
H. B. 247, to amend to law as to revenue and taxation---------- 237
H. B. 248, to provide State Board of Examiners for terminal and interchange cars---------- 237
H. B. 249, to protect religious assemblies ----------237, 321, 389
H. B. 250, to amend the law relating to revenue and taxation----- 238
H. B. 251, creating the County of Stearns----------248, 771, 780
H. B. 252, to amend charter of towns of the sixth class--------- 248
H. B. 253, to amend the law to create a Board of Penitentiary Commissioners ----------248, 667
H. B. 254, to amend the law relating to private corporations------ 248
H. B. 255, to fix certain duties of the Superintendent of Public Instruction ----------239, 716, 735, 843, 857
H. B. 256, to prohibit corporations engaged as common carriers from holding mines and manufactories----------239, 736, 737
H. B. 257, to amend section 1882, Kentucky Statutes, 239, 320, 389, 795, 1109, 1223
H. B. 258, to create a State Highway Commission---------- 239
H. B. 259, to regulate the admission of attorneys to practice law, 239, 321, 391, 636, 1071, 1124
H. B. 260, to encourage the establishment of private contribution of sanitarium for treatment of tuberculosis---------- 240
H. B. 261, relating to children who are dependent, neglected or delinquent ----------240, 300, 393, 639, 1071, 1124
H. B. 262, fixing and defining powers of county courts with reference to persons responsible for conditions that render children dependent or neglected---------240, 301, 394, 656, 1071, 1224

House Bills—Continued.

H. B. 263, dividing the State into eleven Congressional Districts-- 240
H. B. 264, to amend sections 203 and 204, Criminal Code of Practice ----------240, 721, 739, 880, 1109, 1110
H. B. 265, to amend chapter 53, Kentucky Statutes---------- 278
H. B. 266, to amend section 2557, Kentucky Statutes--------278, 892
H. B. 267, to repeal sebsection 8 of section 605, Civil Code of Practice ---------- 278
H. B. 268, to change time of holding court in the Twelfth Judicial District ----------278, 425, 664
H. B. 269, to amend section 470, Kentucky Statutes---------- 279
H. B. 270, relating to commissioners and receivers--------279, 715, 734
H. B. 271, to change corporate name of State School for Education of Deaf Children to the Kentucky School for the Deaf, 279, 712, 733
H. B. 272, to prevent adulteration and fraud in sale of tobacco, and tobacco products---------- 279
H. B. 273, to further regulate the carrying of passengers by railroad companies---------- 279
H. B. 274, to regulate govenments of incorporated districts that have not less than $1,000,000 assessed valuation----279, 813, 821
H. B. 275, providing for security of depositors in incorporated banks and creating a bank depositors indemnity fund-----280, 712, 733
H. B. 276, to regulate junk dealers ----------280, 720, 738
H. B. 277, to amend charter of second class cities---------- 280
H. B. 278, to enable cities of the second class to construct a system of streets and issue bonds----------280, 723, 740
H. B. 279, to prevent firing crackers &c., within 100 yards of railroad station ---------- 280
H. B. 280, to prevent and make it unlawful to discharge fire works near public highways ----------281, 729
H. B. 281, to amend the Constitution to aid in building public roads ---------- 281

House Bills—Continued.

H. B. 282, to amend act creatig office of Assistant Commonwealth's Attorney in counties having a population of 150,000, 281, 716, 735

H. B. 283, to further regulate elections 281

H. B. 284, in regard to collection of assigned policies of life insurance 281

H. B. 285, to amend section 177 of the Constitution 281

H. B. 286, to amend law concerning personal representatives, 282, 718

H. B. 287, requiring carriers of passengers to provide comfortable waiting rooms 282

H. B. 288, to regulate child labor 282, 717, 736, 860, 1045, 1124

H. B. 289, to amend section 2773, Kentucky Statutes 282, 724, 741

H. B. 290, allowing compensation and fixing salaries of Board of Aldermen, and Board of Councilmen of cities of the first class 282, 724, 741

H. 291, to amend charter of cities of the first class, 283, 723, 741, 801, 1020, 1124

H. B. 292, to prohibit drinking of spirituous, vinous and malt liquors by passengers on trains 283, 726, 742

H. B. 293, authorizing cities of the second class to assess for taxation, persons or corporations exercising special privileges 283

H. B. 294, to amend section 583-A, Kentucky Statutes 283

H. B. 295, to amend section 606, Civil Code of Practice 283, 714, 734

H. B. 296, to regulate, telegraph, telephone and express companies 284

H. B. 297, repealing section 3758, Kentucky Statutes 284, 719, 737

H. B. 298, to provide for filing office of police judge in cities of this State 284, 719, 737

H. B. 299, to amend act relating to revenue and taxation in cities of the fourth class 284

H. B. 300, further regulating telephone companies 284

H. B. 301, authorizing sale of franchises for maintenance of telephone lines 285

House Bills—Continued.

H. B. 302, to regulate passenger fares on railroads ---------- 285
H. B. 303, to repeal an act to incorporate the town of Rosine---- 285
H. B. 304, to amend sections 1874 and 1875, Kentucky Statutes--- 285
H. B. 305, to amend sections 4307 and 4346, Kentucky Statutes---- 285
H. B. 306, to amend sections 2380 and 2412-A, Kentucky Statutes, 286, 718, 743, 782, 1109, 1224
H. B. 307, to appropriate money to erect buildings on State Fair grounds ---------- 286
H. B. 308, to amend section 785, Kentucky Statutes----------286, 728
H. B. 309, to prevent selling horses and mules known as "bulls" or "chokers"----------286, 720, 738, 833
H. B. 310, to amend section 2253, Kentucky Statutes--286, 425, 664
H. B. 311, to further regulate assessment of fire insurance companies ---------- 286
H. B. 312, providing for removal of remains of Thos. F. Marshall ----------286, 727, 743, 922, 1109, 1112, 1224
H. B. 313, creating office of State Fish and Game Warden-------- 287
H. B. 314, to amend section 167, Kentucky Statutes----------287, 730
H. B. 315, to regulate the use and sale of cold storage fish and eggs ---------- 287
H. B. 316, dividing the State into 11 congressional districts------- 287
H. B. 317, to amend section 1303, Kentucky Statutes-----287, 726, 742
H. B. 318, concerning education and to dedicate the State Capitol grounds and buildings for this purpose ---------- 347
H. B. 319, to prevent abuse in handling and requiring proper cleaning of dairrymen's shipping cans----------347, 729
H. B. 320, for benefit of attorney-general and providing assistants, 347
H. B. 321 to amend act to provide for efficient schools--------348, 729
H. B. 322, to amend subdivision 1, article 15 chapter 46, Kentucky Statutes ----------348, 719, 738
H. B. 323, to amend section 194, Civil Code of Practice----348, 720, 738
H. B. 324, to amend section 3287, Kentucky Statutes ---------- 348

House Bills—Continued.

H. B. 325, relative to appointment of marshalls in cities of the sixth class ---------- 348, 713, 733
H. B. 326, relating to trespassers upon railroad tracks---- 348, 728, 743
H. B. 327, to amend section 582, Civil Code of Practice---------- 349
H. B. 328, to amend charters of cities of the first class--349, 771, 780
H. B. 329, to amend section 3027, Kentucky Statutes---- 349, 723, 740
H B. 330, relating to trespassers on railroad tracks---- 349, 728, 743
H. B. 331, creating office of assistant Prosecuting attorney in police courts of cities of the first class---------- 349
H. B. 332, to amend charters of cities of the first class---------- 349
H. B. 333, to amend charters of cities of the first class---------- 350
H. B. 334, to provide for teaching in public schools the best method to prevent the spread of tuberculosis ---------- 350
H. B. 335, to provide better school houses and to establish a State Board of Construction and Inspection of same-------- 350, 729
H. B. 336, to amend charter of cities of the second class---------- 350
H. B. 337, to amend section 2096, Kentucky Statutes---------- 350
H. B. 338, to amend sections 2253 and 2260, Kentucky Statutes---- 351
H. B. 339, to prevent cities of the fifth and sixth classes from levying license tax on public conveyance---------- 351
H. B. 340, empowering justices of the peace as Commissioners of roads ---------- 351
H. B. 341, to create the office of State Highway Commissioner--- 351
H. B. 342, requiring trustees of common schools and graded common schols to publish manual financial statement when tax collections amount to $150 or more ---------- 351
H. B. 343, authorizing Commissioner of Agriculture to furnish pioson exterminate the tobacco fly---------- 351
H. B. 344, relating to probate of wills-------- 352, 770, 779, 895, 1107
H. B. 34, providing for taking deposi.ions in short hand---------- 352
H. B. 346, to charter the Horace Mann Literary Society of the A. & M. College ---------- 352

House Bills—Continued.

H. B. 347, to amend act to require operators of certain ferries to provide waiting rooms ----------352, 717, 736

H. B. 348, to require articles of incorporation of foreign corporations to record its articles in the office of county clerk and file a copy with Secretary of State ----------352, 781, 813

H. B. 349, to amend section 4821, Kentucky Statutes----353, 721, 738

H. B. 350, to amend section 1161, Kentucky Statutes----353, 719, 737

H. B. 351, to amend law relating to revenue and taxation, 353, 781. 813, 871

H. B. 352, to amend section 211, Civil Code of Practice---------- 353

H. B. 353, to change the name of Mt. Pleasant to Harlan-------- 427

H. B. 354, to further regulate foreign corporations doing business in Kentucky ---------- 427

H. B. 355, to award deposits of the Commonwealth in hands of Sheriff and Treasurer to the highest bidder---------- 427

H. B. 356, to prohibit opening of theaters and play houses on Sunday ---------- 427

H. B. 357, to change time of holding courts in the Twenty-ninth Circuit Court district ---------- 427

H. B. 358, relating to trade marks for cattle and other live stock, 427, 666, 711

H. B.359, relating to the office of reporter of the Court of Appeals ----------428, 713, 733, 877

H. B. 360, to regulate county printing ----------428, 725, 741

H. B. 361, to repeal subdivision 8, section 606, Civil Code of Practice ---------- 428

H. B. 362, to amend section 840, Kentucky Statutes------428, 770, 780

H. B. 363, authorizing the Board of Printing Commissioners to examine the account of contractor of second class--428, 713, 733

H. B. 364, to amend charter of cities of the first class, 429, 723, 740, 899, 925

H. B. 365, to prevent circuses or wild west shows from showing during fairs held in the county seat----------429, 666, 711

House Bills—Continued.

H. B. 366, to prohibit the docking of horses---------- 429
H. B. 367, providing for vacations of places on State Central Committee by persons holding state or county office, 429, 720, 738, 742
H. B. 368, to amend sections 4703 and 4704, Kentucky Statutes--- 429
H. B. 369, to amend act relating to revenue and taxation--------- 503
H. B. 370, to establish and maintain public libraries---------- 504
H. B. 371, to amend section 1244, Kentucky Statutes---------- 504
H. B. 372, to creat the office of county detective---------- 504
H. B. 373, to amend sections 2487 and 2488, Kentucky Statutes--- 504
H. B. 375, to appropriate $5,000 to assist the Kentucky Development Association ---------- 504
H. B. 376, to establish game preserves in the Commonwealth----- 505
H. B. 377, to amend section 4419, Kentucky Statutes---------- 505
H. B. 378, to change time of holding circuit courts in the Sixth district ---------- 505
H. B. 379, relating to false statements affecting banks---------- 505
H. B. 380, to provide punishment of persons who shall shoot into school houses, stores, etc. ---------- 505
H. B. 381, to amend charter of second class cities---------- 505
H. B. 382, to amend section 3284, Kentucky Statutes---------- 506
H. B. 383, to prevent licensing of pool or billiard tables in local option districts ---------- 506
H. B. 384, to make it a misdemeanor to sell, give away or otherwise dispose of or conceal personal property---------- 506
H. B. 385, to provide for payment of fees to lawyers, for defending indigent criminals ---------- 506
H. B. 386, to authorize fiscal courts to provide additional revenues for public roads ---------- 506
H. B. 387, to amend act relating to the State Dental Association, 506, 725, 846, 1109, 1224
H. B. 388, to repeal act authorizing Court of Appeals to appoint commissioner of said court---------- 507

House Bills—Continued.

H. B. 389, to regulate bakeries and confectioneries ---- 507
H. B. 390, to amend charter of cities of the first class ---- 507
H. B. 391, to amend 4224, Kentucky Statutes ---- 507
H. B. 392, to prohibit sale of refrigerated undrawn slaughtered poultry, game and fish, and regulate sale of same ---- 507, 725, 742
H. B. 393, to prevent procreation of criminals, idiots, imbeciles and rapists ---- 508
H. B. 394, to prohibit, persons, firms or corporations, except banks and trust companies from using words "Bank," "Trust" or "Savings" ---- 508, 712, 732
H. B. 395, to amend section 2810, Kentucky Statutes ---- 508
H. B. 396, to amend law providing for checkweighman or checkmeaseurer ---- 503
H. B. 397, for benefit of veterans of war with Spain and insurrection in the Philippine Islands ---- 509, 721, 739
H. B. 398, making it a felony for failure to provide for destitute families ---- 509
H. B. 399, appropriating $3,000 annually to the Eckstein Norton Institute ---- 509
H. B. 400, to amend section 582, Civil Code of Practice ---- 509
H. B. 401, to regulate conferring of Collegiate degrees ---- 509
H. B. 402, to amend section 3831, Kentucky Statutes ---- 509
H. B. 403, to fix certain sheriff's fees ---- 510
H. B. 404, to amend section 2241, Kentucky Statutes ---- 510
H. B. 405, to establish a course of instruction in rural engineering, 510
H. B. 406, relating to licensing steam engineers ---- 510
H. B. 407, to amend charter of cities of the fourth class ---- 510
H. B. 408, to amend section 3721, Kentucky Statutes ---- 511
H. B. 409, to amend section 606, Civil Code of Practice ---- 511, 734
H. B. 410, to amend section 2514, Kentucky Statutes ---- 511, 718, 737
H. B. 411, to amend section 956, Kentucky Statutes ---- 511
H. B. 412, to amend section 738, Civil Code of Practice ---- 511
H. B. 413, to amend act to create a Board of Penitentiary Commissioners ---- 511

House Bills—Continued.

H. B. 414, regulating militia of the Commonwealth--582, 732, 780, 935

H. B. 415, regulating time and period of daily service of employes of common carriers ---------- 583

H. B. 416, to abolish office of Assessor, and to authorize assessments to be made by Justices of the Peace---------- 583

H. B. 417, to regulate charges for transportation of passengers by steamboat and other common carriers by water, 583, 859, 906, 994

H. B. 418, to protect the consumers of coal ---------- 583

H. B. 419, requiring coal operators to register with County Clerk, analyses of seams ---------- 583

H. B. 420, to permit the establishment of a Brigade of Naval Militia ----------584, 781, 813

H. B. 421, to amend sections 280 and 281, Criminal Code of Practice ---------- 584

H. B. 422, to establish a course of instruction in rural engineering ---------- 584

H. B. 423, to amend section 576, Kentucky Statutes---------- 584

H. B. 424, to repeal act regulating carrying, and distributing liquors in local option districts---------- 584

H. B. 425, to amend section 4481, Kentucky Statutes---------- 585

H. B. 426, to amend act to protect game and small birds--------- 585

H. B. 427, to prevent fraud in sale of live stock---------- 585

H. B. 428, for safety of employes of trains ---------- 585

H. B. 429, to amend act to regulate sale of intoxicating liquors by wholesale ----------585, 726, 742

H. B. 430, to amend sections 4404 and 4409, Kentucky Statutes----- 586

H. B. 431, to regulate rate of speed of freight trains on railroads-- 586

H. B. 432, to regulate storage charges by common carriers------- 586

H. B. 433, to amend section 1732, Kentucky Statutes---------- 586

H. B. 434, to prevent fraud in sales of live stock---------- 586

H. B. 435, to appropriate money to keep the new Capitol grounds in order---------- 586

House Bills—Continued.

H. B. 436, to amend the exemption law of the State---------- 686
H. B. 437, to amend section 1267 of the Kentucky Statutes------- 686
H. B. 438, to repeal act to incorporate the town of Flat Gap, in Johnson County ---------- 686
H. B. 439, protecting female colleges and boarding schools------- 686
H. B. 469, to amend section 606, Civil Code of Practice---------- 715
H. B. 440, to regulate assessment fire insurance companies----728, 744
H. B. 441, to amend section 1331, Kentucky Statutes---------- 808
H. B. 442, to amend section 1303, Kentucky Statutes---------- 808
H. B. 443, to promote the poultry industry---------- 808
H. B. 444, prescribing further duties of the chief clerks of the Senate and House of Representatives--------816, 821, 990, 1109, 1125
H. Res. 1, providing for joint assembly to elect Prison Commissioner and State Librarian ---------- 77
H. Res. 3, providing for adjournment of Senate and House from Thursday, January 30, 1908, to Tuesday, February 4, 1908---- 227
H. Res. 4, for benefit of H. D. Arnold---------- 241
H. Res. 5, for reimbursement of Pins Bartholomew for revoked license ---------- 241
H. Res. 6, for benefit of Wm. Wilson---------- 712
H. Res. 8, for benefit of the ministers of the City fo Frankfort----- 353
H. Res. 9, for benefit of B. F. Beard & Company---------- 587
H. Res. 10, to pay funeral expenses of Virgil McKnight--------- 668
H. Res. 11, authorizing appointment of Commissioners to represent the State at the Centennary of the birth of Abraham Lincoln, and appropriating money therefor----------

Howard, H. Clay—

Contestant of election ---------- 28
Committee on Contest ---------- 52
Report of Committee on Contest---------- 706
Attorney's fees and expenses paid----------1127

Howard, E. S.—

Contestant of election ---------- 28
Committee on Contest ---------- 55
Report of Committee on Contest ---------- 703
Attorney's fees and expenses paid ---------- 1128

Hunter, R. Dillard—

Oath taken by ---------- 7
Introduced H. B. 120 ---------- 160
H. B. 121 ---------- 161
H. B. 374 ---------- 504

Hustonville—

H. B. 87, changing from fifth to sixth class cities ---------- 136

Hutcheson, F. M. Jr.—

Oath taken by ---------- 7
Introduced H. B. 40 ---------- 127
H. B. 41 ---------- 127
H. B. 181 ---------- 179
H. B. 182 ---------- 179
H. B. 244 ---------- 236
H. B. 245 ---------- 237

Hutchinson, R. F.—

Oath taken by ---------- 7

Incorporated Districts—

H. B. 274, to regulate government of that have not less than $1,000,000 assessed valuation ---------- 279

Inspector of Mines—

H. B. 187, to amend act to increase efficiency of ---------- 180

Insurance—

H. B. 113, regulating law relating to Insurance Department ---------- 140

Isaacs, W. Harrison—

Oath taken by 7
Introduced H. B. 406 510

Jackson, J. H.—

Oath taken by 7
Elected member Educational Commission 1126
Introduced H. B. 99 138
H. B. 255 238
H. B. 304 285
H. B. 346 352
H. B. 425 585
H. B. 435 586

Jackson, W. J.—

Oath taken by 7
Introduced H. B. 280 281
H. B. 383 506
H. B. 384 506

Jackson, F. C.—

Oath taken by 7
Introduced H. B. 127 162
H. B. 199 182
H. B. 253 238

Jailers—

H B. 43, to fix and regulate fees of 127
S. B. 55, to fix fees of for keeping and dieting 857

Jesse, Warner W.—

Nominated doorkeeper 16

Johnson County—

H. B. 66, to repeal act organizing graded free school in District No. 3 ---------- 132

James, Clyde Terry—

Nominated page ---------- 20

James, W. H.—

Oath taken by ---------- 7

Introduced H. B. 321 ---------- 348

Judges—

H. B. 144, to fix salaries of circuit judges ---------- 165

H. B. 196, providing for special judges in particular cases ---------- 182

S. B. 19, to fix salaries of judges of circuit courts ---------- 521

Junk Dealers—

H. B. 276, to regulate ---------- 280

Jurors—

H. B. 191, to pay for jurors not accepted for jury service ---------- 181

S. B 31, to authorize pay to persons summoned as jurors ---------- 900

Justices of the Peace—

H. B. 207, to regulate time of holding court in civil cases ---------- 184

H. B. 340, empowering Justices of the Peace as Commissioners of Roads ---------- 351

Kavanaugh, Frank K.—

Nominated State Librarian ---------- 97

Elected State Librarian ---------- 99

Kentucky State Racing Commission—

Report filed of ---------- 58

Kentucky Childrens' Home Society—

H. B 44, to amend law for benefit of ---------- 128

Kentucky Confederate Home—

S. B. 168, amending law governing ---------- 885

Kimbrough, W. L.—

Oath taken by ---------- 7

Expenses of contest paid ----------1129

King, B. B.—

Contestant of election ---------- 28

Committee on Contest ---------- 56

Report of Committee on Contest ---------- 707

Attorney's fees and expenses paid ----------1128

Kinkead, Cleves G.—

Oath taken by ---------- 7

Introduced H. B. 52 ---------- 129

H. B. 53 ---------- 129

H. B. 54 ---------- 129

H. B. 55 ---------- 130

H. B. 56 ---------- 130

H. B. 57 ---------- 130

H. B. 58 ---------- 130

H. B. 59 ---------- 130

H. B. 60 ---------- 131

H. B. 229 ---------- 212

H. B. 242 ---------- 236

H. B. 394 ---------- 508

H. B. 395 ---------- 508

H. B. 420 ---------- 584

Klair, W. F.—

Oath taken by ---------- 7

Resolutions offered by ----------23, 29, 217, 458, 552, 616

Introduced H. B. 21 ---------- 123

H. B. 22 ---------- 124

H. B. 23 ---------- 124

Klair, W. F.—Continued.

H. B. 24 ---- 124
H. B. 25 ---- 124
H. B. 26 ---- 124
H. B. 27 ---- 124
H. B. 123 ---- 125
H. B. 124 ---- 161
H. B. 125 ---- 161
H. B. 177 ---- 178
H. B 178 ---- 179
H. B. 214 ---- 209
H. B. 215 ---- 210
H. B. 216 ---- 210
H. B. 217 ---- 210
H. B. 261 ---- 240
H. B. 262 ---- 240
H. B. 277 ---- 280
H. B. 278 ---- 280
H. B. 381 ---- 505

Knox, A. T.—

Oath taken by ---- 7
Introduced H. B. 380 ---- 505

Laborers—

H. B. 61, to limit hours of labor on public works of the State ---- 131

Law—

H. B. 199, to amend law relating to practice of ---- 183

Lawyers—

H. B. 385, to provide for payment of fees to for defending indigent criminals ---- 506

Lee, A. T.—

Oath taken by ---- 7

Levees, Public—

S. B. 191, to provide for protection of---------- 588

Lieutenant Governor—

S. B. 159, fixing compensation of---------- 405

Life Insurance—

H. B. 168. to require annual apportionment and accounting of surplus of life insurance companies---------- 177

H. B. 284, in regard to assigned policies---------- 281

Lillard, E. W.—

Oath taken by---------- 7

Introduced H. B. 8 ---------- 121

H. B. 116 ---------- 160

H. B. 117 ---------- 160

H. B. 157 ---------- 175

H. B. 271 ---------- 279

H. B. 272 ---------- 279

H. B. 354 ---------- 427

H. B. 355 ---------- 427

H. B. 414 ---------- 582

Lincoln, Abraham—

H. Res. 11, authorizing appointment of Commissioners to represent the State at the Centennary of the birth of Abraham Lincoln and appropriating money therefor---------- 906

Liquors—

H. B. 4, to regulate the sale of spirituous, vinous and malt---------- 120

H. B. 175, to further regulate the sale of spirituous, vinous and malt ---------- 178

H. B. 228, to amend act of 1906, regulating sale of liquors---------- 212

H. B. 239, to amend act to regulate carrying and distributing in local option precincts---------- 236

H. B. 292, to prohibit drinking of spirituous, vinous and malt liquors by passengers on trains ---------- 283

Liquors—Continued.

H. B. 424, to repeal act regulating carrying and distributing in local option districts ---------- 584
H. B. 429, to amend act to regulate sale of by wholesale ---------- 585
S. B. 149, to amend act to regulate sale of by wholesale ---------- 779

Live Stock—

H. B. 114, providing for transportation of attendants with shipments of ---------- 159
H. B. 427, to prevent fraud in sale of ---------- 585
H. B. 434, to prevent fraud in sale of ---------- 586

Lives and Property—

H. B. 115, to protect lives and property of persons travelling or shipping freight ---------- 160

Longmire, C. W.—

Nominated sergeant at arms ---------- 14
Elected sergeant at arms ---------- 15

Lowder, Jasper—

Oath taken by ---------- 7
Introduced H B. 192 ---------- 181
H. B. 193 ---------- 181
H. B. 338 ---------- 351
H. B. 339 ---------- 351
H. B. 340 ---------- 351

Lyons, Miss Amy V.—

Nominated Enrolling Clerk ---------- 12
Elected enrolling clerk ---------- 13

Macklin, J. B.—

Nominated Prison Commissioner ---------- 95

Mahin, Hugh—

Oath taken by ---------- 7
Notice of contest ---------- 28
Committee on Contest ---------- 53
Report of Committee on Contest ---------- 705
Attorney's fees and expenses paid ---------- 1127
Introduced H. B 249 ---------- 237
H. B. 365 ---------- 429

Markolf—

Oath taken by ---------- 7
Introduced H. B. 51 ---------- 129
H. B. 363 ---------- 241
H. B. 389 ---------- 507
H. B. 390 ---------- 507
H. B. 391 ---------- 507
H. B. 392 ---------- 507
H. B. 393 ---------- 508

Marshall, Thomas F.—

H. B. 312, appropriating money for removal of remains ---------- 286

Master and Servant—

H. B. 195, relating to liability of persons occupying the relation of ---------- 182

Maynard, J. B.—

Oath taken by ---------- 7

McAuliffe, Timothy—

Nominated page ---------- 20
Appointed messenger ---------- 100

McChord, W. C.—

Oath taken by ---------- 7

McChord, W. C.—Continued.
Introduced H. B. 103 ---- 138
H. B. 104 ---- 138
H. B. 105 ---- 138
Resolution offered by ---- 157
Introudced H. B. 144 ---- 165
H. B. 145 ---- 165
H. B. 202 ---- 183
H. B. 310 ---- 286
H. B. 311 ---- 286

McKnight, Virgil—
Oath taken by ---- 7
Resolutions offered y ---- 58, 401
Introduced H. B. 234 ---- 238
Announcement of his death ---- 468
Order for election of his successor ---- 471
Resolution to pay expenses of funeral ---- 1072
H. Res. 10, to pay funeral expenses of ---- 668

Medical Students—
H. B. 130, to amend the law relating to matriculation of ---- 162

Messengers—
Appointment of ---- 100
S. B. 11, to provide House and Senate with ---- 191

Meyer, Emanuel—
Oath taken by ---- 7
Introduced H. B. 62 ---- 131
H. B. 63 ---- 131
H. B. 64 ---- 132
H. B. 185 ---- 180
H. B. 186 ---- 180
H. B. 230 ---- 213
H. B. 289 ---- 282
H. B. 290 ---- 282

Meyer, Emanuel—Continued.

H. B. 331 ---- 349
H. B. 332 ---- 349
H. B. 333 ---- 350
H. B. 398 ---- 509
H. B. 399 ---- 509

Milliken, Duncan—

Oath taken by ---- 7
Introduced H B. 102 ---- 138
H. B. 258 ---- 239
H. B. 259 ---- 239
H. B. 270 ---- 279
H. B. 309 ---- 286
H. B. 349 ---- 353
H. B. 350 ---- 353
H. B. 417 ---- 583

Militia—

H. B. 414, regulating ---- 582

Moore, Garfield—

Oath taken by ---- 7

Motor Vehicles—

H. B. 162, to regulate running of ---- 176

Mueller, Chris—

Oath taken by ---- 7
Resolution offered by ---- 84
Introduced H. B. 329 ---- 349
H. B. 330 ---- 349
H. B. 364 ---- 429
H. B. 441 ---- 808
H. B. 442 ---- 808

Mt. Pleasant—

H. B. 353, to change name to Harlan ---- 427

Myers, H. L.—
Oath taken by ---- 7
Introduced H. B. 163 ---- 176
H. B. 16u ---- 176
H. B. 372 ---- 504

Naval Militia—
H. B. 420, to permit the establishment of a brigade of---- 584

Nichols, Jesse F.—
Oath taken by ---- 7
Resolutions offered by----355, 555
Introduced H. B. 5 ---- 120
H. B. 6 ---- 121
H. B. 7 ---- 121
H. B. 114 ---- 159
H. B. 115 ---- 160
H. B. 210 ---- 209
H. B. 211 ---- 209
H. B. 212 ---- 209
H. B. 234 ---- 235
H. B. 235 ---- 235
H. B. 264 ---- 240
H. B. 369 ---- 503

Nuisances—
H. B. 72, to prevent continuance of public---- 133

Nursery Stock—
H. B. 176, to provide for inspection of---- 178

Nurses—
S. B. 2, to provide for examination and registration of---- 254

Oliver, A. C.—
Oath taken by ---- 7
Introduced H. B. 97 ---- 137

Oliver, Benandville—

Nominated page ---------- 20

Parrish, Chas. H.—

Nominated janitor ---------- 17

Elected janitor ---------- 18

Paris, R. S.—

Contestant of election ---------- 28

Committee on Contest ---------- 54

Report of Committee on Contest ---------- 709

Attorney's fees and expenses paid ---------- 1128

Paris Green—

H. B. 47, to prevent use of on tobacco ---------- 128

Parrott, G. W.—

Oath taken by ---------- 7

Patrick, C. C.—

Oath taken by ---------- 7

Notice of contest ---------- 28

Committee on Contest ---------- 55

Introduced H. B. 20 ---------- 123

Report of Committee ---------- 157

Attorney's fees and expenses paid ---------- 1128

Introduced H. B. 176 ---------- 178

H. B. 243 ---------- 236

H. B. 276 ---------- 280

H. B. 358 ---------- 427

H. B. 427 ---------- 585

Patrick, Samuel J.—

Oath taken by ---------- 7

Patrick, Samuel J.—Continued.

Introduced H. B. 158 ---------- 175
H. B. 159 ---------- 175
H. B. 319 ---------- 347
H. B. 371 ---------- 504
H. B. 433 ---------- 586

Peak, Bart—

Nominated page ---------- 20
Elected page ---------- 21

Penitentiaries—

H. B. 139, to amend law relating to ---------- 164
S. B. 74, to amend act for benefit of ---------- 934

Pensions—

H. B. 136, to allow pensions to Veteran Voluntary Fireman's Association ---------- 163

Perryman, G. L.—

Oath taken by ---------- 7
Introduced H. B. 265 ---------- 278
H. B. 266 ---------- 278

Perry, W. V.—

Oath taken by ---------- 7
Introduced H. B. 195 ---------- 182
H. B. 233 ---------- 213
H. B. 295 ---------- 283
H. B. 296 ---------- 284
H. B. 367 ---------- 429

Perryville—

H. B. 107, to appropriate $3,000 to enable Commissioners of Confederate Monument Association to purchase additional ground ---------- 160

Personal Property—

H. B. 103, to prevent sale of where possession is in one person and the title in another---------- 139

H. B. 384, to make it a misdemeanr to sell, give away, or conceal-- 506

Personal Representatives—

H. B. 286, to amend law relating to---------- 282

Pharmacy—

H B. 124, to amend law relating to practice of---------- 164

H. B. 179, to authorize Kentucky Board of Pharmacy to exchange certificates with other states---------- 179

Philippine Islands—

H. B. 397, for benefit of veterans in war---------- 509

Physician Assistant—

S. B. 414, to establish office of in counties of 150,000 or more------ 779

Pirtle, John C.—

Oath taken by---------- 7

Introduced H. B. 37 ---------- 127

H. B. 38 ---------- 127

H. B. 283 ---------- 281

H. B. 284 ---------- 281

H. B. 285 ---------- 281

H. B. 286 ---------- 282

H. B. 431 ---------- 586

H. B. 432 ---------- 586

Pogue, Marion F.—

Nominated assistant clerk---------- 11

Elected assistant clerk---------- 12

Police Judge—

H. B. 298, to provide for filling office of in this State---------- 284

Pool Rooms—

H. B. 69, to prevent operation of ---- 133

Pools—

H. B. 101, to amend law permitting persons to pool their crops ---- 138

Pool or Billiard Tables—

H. B. 338, to prohibiting licening in local opion districts ---- 506

Porter, J. F.—

Oath taken by ---- 7

Introduced H. B. 106 ---- 139
H. B. 107 ---- 139
H. B. 108 ---- 140
H. B. 109 ---- 140
H. B. 110 ---- 140
H. B. 111 ---- 140
H. B. 112 ---- 140
H. B. 146 ---- 165
H. B. 147 ---- 165
H. B. 148 ---- 165
H. B. 203 ---- 183
H. B. 204 ---- 183
H. B. 351 ---- 353
H. B. 352 ---- 353

Poultry—

H. B. 443, to promote the poultry industry ---- 808

Prisoners—

S. B. 50, for lessening period of confinement of persons in jails ---- 521

Prison Commissioners—

Election of Commissioner ---- 95

H. B. 253, to amend law to crete Board of Penitentiary Commissioners ---- 248

Prison Commissioners—Continued.

H. B. 413, to amend act to create ---------- 511

H. Res. 1, providing for joint assembly to elect Prison Commissioner and State Librarian ---------- 77

Procreation—

H. B. 393, to prevent procreation of idiots, imbeciles, criminals and rapists ---------- 508

Public Highways—

H. B. 280, to make it unlawful to discharge fireworks near------ 281

Public Libraries—

H. B. 370, to establish and maintain---------- 504

S. B. 249, to establish and maintain---------- 819

Public Printing, Binding and Stationery—

H. B. 137, relating ---------- 163

S. B. 4, to amend the law relating---------- 857

Rabbits—

H. B. 154, to prevent chasing with ferrets---------- 175

Racing—

H. B. 79, to limit racing ---------- 134

S. B. 41, making it unlawful to bet or wager on---------- 668

Ragsdale, Dudley—

Nominated page ---------- 20

Elected page ---------- 21

Railroads—

H. B. 5, to establish maximum rates for transportation of passengers on ---------- 120

H. B. 89, governing agents of railroads in issuing bills of lading---- 136

H. B. 217, for safety of employes---------- 210

Railroads—Continued.

H. B. 225, for further protection of employes---------- 212
H. B. 226, to promote safety of employes---------- 212
H. B. 273, to further regulate carrying of passengers by---------- 279
H. B. 279, to prevent firing crackers, etc. within 100 yards of railroad stations ---------- 280
H. B. 302, to regulate passenger fares on---------- 285
H. B. 326, relating to trespasses on railroad tracks---------- 348
H. B. 330, relating to trespasses on railroad tracks---------- 349
H. B. 428, for safety of employes of trains on railroads---------- 585
H. B. 431, to regulate rate of speed of freight trains---------- 586

Rector, R. S.—

Oath taken by---------- 7
Introduced H. B. 357 ---------- 427

Refrigerated Poultry. etc.—

H. B. 392, to regulate sale of---------- 507

Religious Assemblies—

H. B. 249, to protect ---------- 237

Representative Districts—

H. B. 240, dividing the State into 100---------- 236

Revenue and Taxation—

H. B. 20, to amend law relating to---------- 123
H. B. 41, to amend law relating to---------- 127
H. B. 81, to amend law relating to---------- 135
H. B. 86, to amend law elating to---------- 135
H. B. 95, to amend act relating to---------- 137
H. B. 107, to amend law relating to ---------- 139
H. B. 109, to amend law relating to---------- 140

Revenue and Taxation—Continued.

H. B. 111, to amend law relating to---- 140
H. B. 234, to repeal act relating to---- 235
H. B. 236, to amend law relating to---- 235
H. B. 247, to amend law relating to---- 237
H. B. 250, to amend law relating to---- 238
H. B. 351, to amend law relating to---- 353
H. B. 369, to amend act relating to---- 503
H. B. 374, to amend act relating to---- 504
S. B. 7, to amend act relating to ---- 558
S. B. 128, relating to---- 982
S. B. 130, to amend act relating to---- 157

Reynolds, G. T.—

Oath taken by---- 7
Introduced H. B. 359 ---- 428

Road Fund—

H. B. 28, to establish a---- 125

Robards, Miss Mary—

Appointed stenographer ---- 100

Rosine—

H.B. 303, to repeal charters of---- 258

Rice, Isaac G.—

Oath taken by---- 7
Introduced H. B. 66 ---- 132
H. B. 67 ---- 132
H. B. 292 ---- 283
H. B. 400 ---- 509
H. B. 438 ---- 686

Richardson, Gus W.—

Oath taken by ---------- 7
esolution offered by ----------22, 50, 51, 84, 147
Introduced H. B. 95 ---------- 137
H. B. 96 ---------- 137
H. B. 113 ---------- 137

Rules—

Committee on ---------- 58
Report of Committee on----------60, 826
Report of Committee on Joint Rules---------- 90

Rural Engineering—

H. B. 405, to establish a course of instructions in---------- 510
H. B. 422, to establish a course in---------- 524

Sanitorium, State—

H. B. 25, to provide for tuberculosis---------- 124

Sanitaria—

H. B. 260, to encourage the establishment of private Sanitaria for Tuberculosis ---------- 240
S. B. 135, to encourage establishment of for tuberculosis --------- 570

Schoberth, H. A.—

Oath taken by---------- 7
Introduced H. B. 260 ---------- 240
H. B. 312 ---------- 286
H. B. 428 ---------- 585
H. B. 429 ---------- 585

Schools—

H. B. 142, qualifying manner to vote in school elections---------- 164
H. B. 321, to amend act to provide for efficient schools---------- 348
H. B. 342, requiring publication of financial statements of schools, 351

School Books—

H. B. 149, to amend the law relating to the school book law----- 174

S. B. 204, to provide for teaching literature in common schools--1020

School Houses—

H. B. 335, to provide better school houses and provide a State Board of Construction ---------- 350

H. B. 380, to provide punishment of persons who shall shoot in--- 505

Secretary of State—

Report filed ---------- 24

Senatorial Districts—

H. B. 243, dividig the State into----------38, 236

Senator, U. S.—

Nominations for ---------- 85

Senate Bills—

Election of W. O. Bradley---------- 581

Nomination of by direct vote---------- 133

254, 725, 741, 1183

S. B. 2, to provide for the examination and registration of nurses,

S. B. 3, to amend section 1208, Kentucky Statutes----------340, 729

S. B. 4, to amend the law relating to public printing, binding and stationery ----------837, 986, 1021

S. B. 7, to amend act relating to Revenue and Taxation,

558, 722, 739, 1048, 1070, 1220

S. B. 10, to provide for the erection and mantenance of a State sanitarium for the treatment of tuberculosis,

845, 986, 1021, 1146, 1156, 1220

S. B. 11, to provide Senate and House of Representatives with messengers, stenographers or copyists,

191, 242, 257, 330, 357, 405, 458

S. B. 12, to provide a stenographer for the use of the Governor,

191, 242, 257, 334, 459, 520

Senate Bills—Continued.

S. B. 13, to amend Constitution to provide for classification of property and imposition of uniform taxation--------450, 714, 734

S. B. 16, to amend section 3948, Kentucky Statutes, 521, 725, 741, 890, 982, 1121,

S. B. 17, to amend section 74, Civil Code of Practice------521, 902, 984

S. B. 19, to fix the salaries of judges of the circuit courts, 521, 716, 735, 919

S. B. 20, to amend section 1784, Kentucky Statutes, 450, 666, 711, 1059, 1121

S. B. 21, relating to registration in towns of the fifth and sixth classes ----------209, 718, 737, 781, 813, 1062, 1070

S. B. 23, appropriating $400 to repair and clean monument to Zachary Taylor----------470, 726, 743

S. B. 25, to provide for infliction of death penalty by electrocution, 340

S. B. 27, for the benefit of the office of Attorney-general to authorize the appointment of assistants----------588, 1113, 1220

S. B 31, to authorize trustees of jury fund to pay persons summoned as jurors ---------- 900

S. B. 32, to authorize use of public highways for transmission and distribution of electricity----218, 714, 716, 734, 735, 908, 983, 1121

S. B. 33, to authorize persons or corporations to construct a dam or dams across streams to improve nagigation or developing or distributing water power or electricity---218, 300, 390, 402, 512

S. B. 34, to amend Constitution to aid public roads, 340, 714, 734, 1202, 1220

S. B. 35, amending charter of cities of the fourth class---------- 254

S. B. 37, to amend section 3644, Kentucky Statutes--------341, 728, 744

S. B. 38, relating to bonds of public officials, 450, 481, 770, 779, 1003, 1121

S. B. 41, making it unlawful to bet or wager on horse races, 668, 903, 1023, 1046,1212, 1220

S. B. 44, to provide for the appointment of two additional inspectors of coal mines----------885, 987, 1021, 1161, 1120

Senate Bills—Continued.

S. B. 50, for lessening the period of confinement of prisoners in the jails of the Commonwealth----------521, 715, 734

S. B. 54, preventing the manufacture and sale of adulterated or misbranded food, drugs and liquors---------- 405

S. B. 55, to fix the fees of jailors for keeping and dieting prisoners, 857

S. B. 66, appropriating money for buildings upon State Fair grounds, 471, 710, 1200, 1221

S. B. 67, fixing weights of pavkages and regulating trade in wheat, flour and corn meal----------341, 7155, 734

S. B. 74, to amend act for benefit of penitentiaries at Frankfort and Eddyville ----------934, 1024, 1046

S. B. 76, to amend act to provide a State School Book Commission ----------668, 901, 983, 1029, 1121

S. B. 79, to amend act to regulate burial associations, 818, 902, 984, 1101, 1121

S. B. 80, to amend section 210, Kentucky Statutes--------521, 723, 740

S. B. 83, to accept provisions of act passed by Congress increasing appropriation for agricultural experiment stations, 558, 664, 710, 790, 849

S. B. 84, appropriating $10,000 for the purpose of restoring the monument of Henry Clay----------767, 899, 905, 1133, 1221

S. B. 86, to amend charter of Bacon College---513, 780, 813, 1052, 1121

S. B. 92, to amend charters of cities of the fourth class, 934, 986, 1021, 1136, 1221

S. B. 103, to provide for an annual school of city and county Health officers ----------588, 845, 860, 1057

S. B. 108, relating to assessment of property for taxation, 513, 573, 664, 788, 849

S. B. 109, to amend act relating to appointment of police matrons in cities of the first class ----------502, 723, 740

S. B. 110, to change the time of holding courts in the Twelfth Judicial District ----------818, 935, 985

S. B. 112, to prevent adulteration----------987, 1022

Senate Bills—Continued.

S. B. 114, to establish the office of assistant Physician in the jail in counties containing a population of 150,000 or more_____ 779

S. B. 117, to provide for teaching elements of agriculture in public schools _____666, 711, 1067

S. B. 121, to amend section 2054, Kentucky Statutes, 767, 845, 860, 1054, 1122

S. B. 122, to create an Educational Commission___559, 1065, 1122, 1125

S. B. 124, to amend section 2323, Kentucky Statutes_____ 341

S. B. 128, relating to revenue and taxation_____ 982

S. B. 129, to provide for erection in the Shiloh National Military Park of Kentucky State memorial_____ 982

S. B. 130, to amend act relating to revenue and taxation_____857

S. B. 131, to amend section 317, Kentucky Statutes_____857, 1080

S. B. 135, to encourage establishment of private Sanitaria for Tuberculosis _____570, 667, 711, 1176, 1221

S. B. 136, to amend section 1741, Kentucky Statutes_____ 885

S. B. 139, to fix certain duties of the Superintendent of Public Instruction and fix his compensation_____846, 987, 1022, 1218

S. B. 142, to amend law to prevent adulterations_____ 450

S. B. 145, to amend act providing for operating expenses of Houses of Reform_____732, 901, 984, 1188, 1221

S. B. 146, to appropriate money for the benefit, 732, 901, 984, 1191, 1222

S. B. 149, to amend act entitled, "Act to Regulate the Sale of Intoxicating Liquors by Wholesale"_____779, 986, 1022, 1076, 1222

S. B. 152, for additional improvements at the Kentucky Normal and Industrial Institute for Colored Persons. 808, 988, 1022, 1210, 1222

S. B. 154, providing for stenographic reports of trials in examining courts _____885, 1024, 1046

S. B. 155, appropriating $50,000 to build executive mansion, 471, 665, 710

S. B. 158, fixing compensation of members of the General Assembly _____559, 721, 739

Senate Bills—Continued.

S. B. 159, fixing compensation of Lieutenant Governor---------- 405

S. B. 160, to provide for two District Detectives in counties containing 150,000 or over ----------513, 723, 740, 1000, 1122

S. B. 161, to amend section 3637, Kentucky Statutes----------1020

S. B. 162, to amend section 3704, Kentucky Statutes----------1020

S. B. 164, to appropriate an additional sum of $460,000 for the erection and completion of the new Capitol ----513, 665, 710, 1204, 1222

S. B. 166, to establish a sub-Experiment Station in Eastern Kentucky and a like station in Western Kentucky----513, 1024, 1046

S. B. 167, for benefit of indigent and disabled Confederate soldiers, 514, 666. 711

S. B. 168, amending the law governing the Kentucky Confederate Home ----------988, 1022

S. B. 172, to prevent abuse in the branding of and requiring proper cleaning of dairymen's shipping cans----------588, 987, 1022

S. B. 173, to appropriate $2,500 to assist in marking the birth place of Jefferson Davis ---------- 900

S. B. 175, to amend charter of cities of the fourth class, 808, 901, 984, 1158, 1222

S. B. 181, to amend law relating to establishment of State Board of Control of Charitable Institutions-------857, 934, 985, 1105, 1222

S. B. 187, to regulate telegraph, telephone and express companies, 1020

S. B. 189, to amend charter of cities of the second class----------1020

S. B. 190, providing for vacation for guards at the penitentiaries and Houses of Reform----------818, 902, 984, 1134, 1222

S. B. 191, to amend act for erection, maintenance and protection of public levees ----------588, 986, 1022, 1119, 1222

S. B. 193, to amend charter of cities of the second class, 521, 722, 740, 1078, 1122

S. B. 197, to amend act creating a State Board of Agriculture, Forestry and Immigration ----------818, 1024, 1047

S. B. 199, to amend section 3140, Kentucky Statutes, 559, 722, 739, 1174, 1222

Senate Bills—Continued.

S. B. 200, to amend charter of cities of the second class, 521, 902, 984, 1131

S. B. 203, authorizing the city council of towns of the fifth class to construct or reconstruct streets and avenues---------- 982

S. B. 204, to provide for teaching of literature in the common schools ----------1020

S. B. 206, to change time of holding courts in the first judicial district ---------- 818

S. B. 207, to further regulate assessment fire insurance companies, 900, 986, 1022

S. B. 212, to provide fo teaching elements of agriculture in schools ----------293, 1222

S. B. 213, to amend act in relation to management and control of water works in cities of the first class----------521, 907, 1022

S. B. 214, to amend section 138, Kentucky Statutes--------562, 719, 737

S. B. 216, concerning education and to dedicate to this purpose the grounds and buildings known as the old State Capitol in Frankfort ----------885, 989

S. B. 218, further regulating companies authorized to write fire and marine and tornado insurance in this State and providing penalties for rebating ----------818, 934, 985

S. B. 221, to amend sections 501, 502, 503, 506, 507, 508, and 514, Kentucky Statutes ----------858, 902, 984, 1169

S. B. 228, to prevent circuses or wild west shows from showing during a live stock and agricultural fair held in a county seat in this State ---------- 982

S. B. 229, preventing the unlawful issuing, selling, exchanging or giving away of street railway transfer tickets---------- 983

S. B. 230, to appropriate $5,000 to assist the Kentucky State Development Association ----------808, 1024, 1047

S. B. 235, to amend section 3588, Kentucky Statutes---------- 885

S. B. 236, fixing time for holding Circuit Courts in the Sixth district ----------819, 935, 985

S. B. 240, to amend section 2514, Kentucky Statutes---------- 983

Senate Bills—Continued.

S. B. 249, to establish and maintain public libraries----819, 988, 1022
S. B. 253, to change the time of holding the Circuits Courts in the Eighth Judicial District----900, 1024, 1047
S. B. 254, for benefit of the Kentucky School for the Deaf, 819, 901, 984, 1142, 1223
S. B. 255, to amend section 4369, Kentucky Statutes---- 886
S. B. 266, to amend section 2783, Kentucky Statutes---- 819
S. B. 267, to amend the drainage laws of the State----858, 1024, 1047
S. B. 268, to appropriate money to keep the new Capitol Building and grounds in order ---- 858
S. B. 270, to amend act creating Thirty-third Circuit Court District, 886
S. B. 282, to amend sections 3147, 3070, 3179, 3184, 3185 and 3817, Kentucky Statutes ---- 983
S. B. 285, to amend section 3704, Kentucky Statutes----1020

Senate Resolutions—

S. Res. 2, providing for furnishing the Codes of Practice, Kentucky Statutes, official manual and Governor's message, 152, 242, 257, 335, 405, 512, 552, 558
S. Res. 4, for benefit of H. D. Arnold----558, 986, 1022
S. Res. 5, providing for the appointment of a Good Roads Commission ----405, 902, 985
S. Res. 6, for the benefit of the custodian of public buildings, 588, 667, 1022, 1131, 1223
S. Res. 7, for the benefit of the widow of the late Hon. G. W. Hickman ----885, 987, 1022
S. Res. 8, for the benefit of B. F. Beard & Co., and Hardin and Payne ----857, 986, 1023

Shanks, W. H.—

Oath taken by---- 7
Notice of contest ---- 28
Committee on Contest ---- 56

Senate Bills—Continued.

Report of Committee on Contest ---- 707
Attorney's fees and expenses paid ---- 1128
Resolutions offered by ---- 1109, 1126, 1129, 1130
Introduced H. B 87 ---- 136
H. B. 88 ---- 136
H. B. 194 ---- 182
H. B. 415 ---- 583

Shanklin, John T.—

Oath taken by ---- 7
Introduced H. B. 279 ---- & 280

Sheriffs—

H. B. 403, to fix certain sheriff's fees ---- 510

Shields, John—

Nominated Chief Clerk ---- 10

Shiloh—

H. B. 59, to appropriate money to erect monument at ---- 130
S. B. 129, to provide Kentucky memorial at ---- 982

Simmons, Robert C.—

Oath taken by ---- 7
Introduced H. B. 68 ---- 132
H. B. 69 ---- 132
H. B. 70 ---- 133
H. B. 71 ---- 133
H. B. 72 ---- 133
H. B. 73 ---- 133
H. B. 74 ---- 133
H. B. 75 ---- 133
H. B. 76 ---- 134
H. B. 188 ---- 181
H. B. 189 ---- 181
H. B. 293 ---- 283
H. B. 294 ---- 283

Sloan, J. A.—

Oath taken by 7
Resolution offered by 57, 356
Introduced H. B. 17 123
H. B. 18 123
H. B. 122 161
H. B. 314 287
H. B. 376 505

Smith, John L.—

Oath taken by 7
Introduced H. B. 89 136
H. B. 90 136
H. B. 139 164
H. B. 252 238
H. B. 404 510
H. B. 430 586
Resolution offered by 293
Introduced H. B. 341 351
H. B. 342 351
H. B. 343 351
H. B. 403 510

Smith, Sawyer A.—

Oath taken by 7
Introduced H. B. 84 135
H. B. 85 135
H. B. 205 183
H. B. 251 238
H. B. 263 240
H. B. 401 509
H. B. 418 583
H B. 419 583

Spain—

H. B. 397, for benefit of veterans in war with Spain 509

Spears, William Carroll—

Appointed Messenger ---------- 100

Statutes, Kentucky—

H. B. 158, to repeal sub-section 2, section 2103---------- 175
to repeal section 1401 ---------- 180
to repeal section 3758 ---------- 284
to amend sub-divisions 1 and 2, article 15, chapter 40-- 174
to amend sub-division 1, article 15, chapter 46---------- 348
to amend sub-section 2412a---------- 236
to amend chapter 36 ---------- 160
to amend chapter 53 ---------- 278
to amend chapter 58 ---------- 176
to amend section 138 ---------- 562
167 ---------- 287
202 ---------- 181
210 ---------- 521
246 ---------- 129
317 ---------- 857
354 ---------- 120
470 ---------- 279
501 ---------- 858
502 ---------- 858
503 ---------- 858
506 ---------- 858
507 ---------- 858
508 ---------- 858
514 ---------- 858
528, 237 ---------- 122
533 ---------- 122
537 ---------- 122
547 ---------- 139
567 ---------- 183
576, 129 ---------- 584
583-A ---------- 283
683 ---------- 139
684 ---------- 139
738 ---------- 163
785 ---------- 286

Statutes, Kentucky—Continued.

To amend section 786 ---- 183
840 ---- 428
932 ---- 136
956 ---- 511
1019 ---- 135
1161 ---- 353
1159 ---- 161
1208 ---- 340
1244 ---- 504
1267 ---- 687
1303 ---- 287
1304 ---- 135
1308 ---- 160
1331 ---- 808
1459 ---- 133
1486 ---- 127
1541 ---- 183
1726 ---- 211
1732 ---- 586
1738 ---- 210
1739 ---- 122
1741 ---- 885
1784 ---- 450
1840 ---- 127
1871 ---- 285
1875 ---- 285
1882 ---- 239
1887 ---- 175
1896 ---- 120
1941 ---- 122
2033 ---- 181
2054 ---- 165
2054 ---- 767
2094 ---- 729
2096 ---- 350
2101 ---- 211
2118 ---- 183

Statutes, Kentucky—Continued.

To amend section 2241 ---------- 510
2253 ---------- 286
2253 ---------- 351
2260 ---------- 351
2323 ---------- 341
2380 ---------- 286
2412-A ---------- 286
2487 ---------- 504
2488 ---------- 504
2514 ----------511, 983
2557 ---------- 278
2773 ---------- 132
2737 ---------- 282
2783 ---------- 819
2810 ---------- 508
2902 ---------- 129
2949 ---------- 213
3025 ---------- 131
3027 ---------- 349
3070 ----------1020
3140 ---------- 556
3147 ---------- 982
3179 ---------- 983
3184 ---------- 983
3185 ---------- 983
3284 ---------- 506
3287 ---------- 348
3501 ---------- 177
3588 ---------- 885
3623 ---------- 209
3637 ----------1020
3643 ---------- 209
3644 ---------- 341
3646 ---------- 133
3681 ---------- 128
3704 ----------1020
3721 ---------- 511

Statutes, Kentucky—Continued.

To amend section 3751 ---- 129
3752 ---- 129
3817 ---- 983
3831 ---- 509
3915 ---- 126
3948 ---- 521
4031 ---- 126
4224 ---- 507
4307 ---- 285
4309 ---- 161
4315 ---- 164
4338 ---- 136
4346 ---- 285
4369 ---- 886
4370 ---- 235
4375 ---- 140
4404 ---- 586
4419 ---- 505
4449 ---- 586
4481 ---- 585
4703 ---- 429
4704 ---- 429
4821 ---- 353

State Capitol—

S. B. 30, appropriating money for building---- 125
H. B. 435, to appropriate money to keep grounds in order---- 586
S. B. 164, to appropriate $460,000 for completion of the new capitol, 513
S. B. 268, to appropriate money to keep the new capitol buildings in order ---- 858

State Central Committee—

H. B. 367, providing for vacation of places held by persons holding persons holding county or State offices ---- 429

State Bank Examiners—

H. B. 91, to create a Board of ---- 136

State Dental Association—
H. B. 387, to amend act relating to ---------- 506
State Fish and Game Warden—
H. B. 313, creating office ---------- 287
State Sanitorium—
S. B. 10, to provide for and maintenance of ---------- 845
State Board of Control—
H. B. 34, to amend law creating ---------- 126
S. B. 181, to amend law to create ---------- 857
State Board of Examiners—
H. B. 248, to provide for terminal and interchange cars ---------- 237
State Fair—
H. B. 307, to appropriate money to erect buildings on grounds ---- 286
S. B. 66, to appropriate money for buildings on grounds ---------- 471
State Highway Commission—
H. B. 239, to create ---------- 239
H. B. 341, to create ---------- 351
State Library—
H. B. 11, to provide extra clerical service for ---------- 122
State Librarian—
Election of ---------- 99
State Normal Schools—
H. B. 92, to establish a system of ---------- 137
H. B. 140, for benefit of ---------- 164
State Normal and Industrial Institute—
H B. 186, act concerning ---------- 180
S. B. 152, for additional improvements ---------- 808

State School Book Commission—

S. B. 76, to amend act to provide ---------- 668

State Development Association—

H. B. 375, to appropriate $5,000 to assist ---------- 504

S. B. 230, to appropriate $5,000 to assist ---------- 808

State Treasurer—

bond of ---------- 77

Steam Boilers—

H. B. 78, for protection of life and property from explosions ---------- 134

Steam Engineers—

H. B. 406, relating to licensing ---------- 510

Stearns—

H. B. 251, to create the county of ---------- 248

Steers, John S.—

Oath taken by ---------- 7

Introduced H. B. 219 ---------- 211

H. B. 220 ---------- 211

H. B. 360, ---------- 428

Stenographers—

H. B. 85, to provide for appointment of official in circuit courts ---------- 135

Stewart, R. E.—

Oath taken by ---------- 7

Stone, James E.—

Nominated for chief clerk ---------- 10

Elected Chief Clerk ---------- 11

Strange, W. H.—

Oath taken by ---------- 7
Introduced H. B. 39, ---------- 127
H. B. 130 ---------- 162
Resolution offered by ---------- 225, 616
Introduced H. B. 315 ---------- 287
H. B. 316 ---------- 287
H. B. 387 ---------- 506
H. B. 421 ---------- 584
H. B. 422 ---------- 584

Streams—

S. B. 33, authorizing construction of dams over streams for purposes of navigation and distribution of electricity ---------- 218

Street Railways—

S. B. 229, preventing unlawful issuing, selling or giving away of street railway transfer tickets ---------- 983

Strikes—

H. B. 184, to aid in settlement of ---------- 180

Stump, J. W.—

Oath taken by ---------- 7
Introduced H. B. 434 ---------- 585

Sullivan, J. A.—

Oath taken by ---------- 7
Resolution offered by ---------- 28, 56, 200, 466
Introduced H. B. 91 ---------- 136
H. B. 92 ---------- 136
H. B. 140 ---------- 164
H. B. 141 ---------- 164
H. B. 142 ---------- 164
H. B. 196 ---------- 182
H. B. 197 ---------- 182
H. B. 198 ---------- 182

Sullivan, J. A.—Continued.
H. B. 297 ---- 284
H. B. 298 ---- 284
H. B. 368 ---- 429

Sunday—
H. B. 46, to prevent playing base ball on ---- 128
H. B. 356, to prohibit opening of theaters and play houses on Sunday ---- 427

Superintendent of Public Instruction—
H. B. 255, to fix certain duties of and fix his compensation ---- 239
S. B. 139, to fix certain duties of and fix his compensation ---- 846

Swann, J. B.—
Oath taken by ---- 7
Introduced H. B. 165 ---- 177
H. B. 166 ---- 177
H. B. 168 ---- 177
H. B. 170 ---- 177
H. B. 171 ---- 177
H. B. 172 ---- 177
H. B. 356 ---- 427

Swinne, Harry—
Nominated page ---- 20

Taggart, D. P.—
Oath taken by ---- 7
Introduced H. B. 208 ---- 184
H. B. 209 ---- 184

Tandy, Eugene W.—
Oath taken by ---- 7
Introduced H. B. 200 ---- 183
H. B. 317 ---- 287
H. B. 405 ---- 510

Taxes—

H. B. 37, relating to collection of---------- 127

Taylor, Zachary—

S. B. 23, appropriating $400 to clean and repair monument to---- 470

Telegraph and Telephones—

H. B. 6, providing age limit for operators---------- 121
H. B. 7, providing eight hours, a day's work for operators-------- 121
H. B. 300, further regulating telephone companies---------- 284
H. B. 301, to authorize sale of franchise---------- 285

Telegraph, Telephone and Express Companies—

H. B. 296, to regulate ---------- 284
S. B. 187, to regulate ----------1020

Templeman, C. S.—

Oath taken by---------- 7

Thompson, Wm. M.—

Oath taken by---------- 7
Introduced H. B. 162 ---------- 176

Tobacco—

H. B. 145, to regulate the tobacco industry---------- 165
H. B. 173, to require growers of to obtain license---------- 178
H. B. 220, permitting warehousemen to commingle tobacco of different grades ---------- 211
H. B. 246, regulating growth of tobacco and imposing penalties--- 237
H. B. 272, to prevent adulteration and fraud in sale of tobacco---- 279

Trade Marks—

H. B. 358, providing for cattle and other live stock---------- 427

Tuberculosis—

H. B. 334, to provide for teaching in public schools the best method of preventing spread of tuberculosis---------- 350

United States—

H. B. 151, to prevent desecration of the ensign of 174

Veterinary—

H. B. 94, to regulate practice of veterinary medicine, surgery and dentistry 137

H. B. 215, to regulate practice of veterinary surgery and dentistry, 210

Vinson, Guy—

Nominated for cloak room keeper 18

Elected Cloak Room keeper 19

Vital Statistics—

H. B. 102, to establish Bureau of 138

Waggoner, Geo. C.—

Oath taken by 7

Petition presented by 147

Introduced H. B. 42 127
H. B. 43 127
H. B. 44 128
H. B. 45 128
H. B. 46 128
H. B. 47 128
H. B. 131 162
H. B. 132 162
H. B. 228 212
H. B. 246 237
H. B. 247 237
H. B. 386 506

Wallace, John P.—

Oath taken by 7

Introduced H. B. 65 132
H. B. 136 163
H. B. 248 237

Wallace, John P.—Continued.

H. B. 291 ---- 283
H. B. 334 ---- 350
H. B. 335 ---- 350

Wash, E. E.—

Oath taken by ---- 7
Introduced H. Res. 10 ---- 668

Weights and Measures—

S. B. 67, fixing weights of flour and meal and regulating trade in ---- 341

Weitkamp, Harry—

Oath taken by ---- 7
Introduced H. B. 14 ---- 122
H. B. 15 ---- 122
H. H. 16 ---- 122
H. B. 118 ---- 160
H. B. 274 ---- 279

Western Kentucky State Normal School—

Report of Treasurer filed ---- 216

Whitlow, W. R.—

Oath taken by ---- 7
Introduced H. B. 307 ---- 286
H. B. 308 ---- 286

Wills—

H. B. 344, relating to probate of ---- 352

Wilson, Geo. S.—

Oath taken by ---- 7
Resolution offered by ---- 23, 226
Introduced H. B. 206 ---- 184
H. B. 207 ---- 184

Watson, Geo. S.—Continued.

H. B. 306 ---------- 285
H. B. 347 ---------- 352
H. B. 348 ---------- 352

Wilson, Wm.—

H. Res. 6, for benefit of ---------- 712

Woodford, J. Neal—

Notice of contest ---------- 28
Committee on Contest ---------- 52
Ooth taken by ---------- 8
Report of Committee on Contest ---------- 706
Introduced H. B. 439 ---------- 686
Attorney's fees and expenses paid ---------- 1127

Wynn, W. C.—

Oath taken by ---------- 8
Introduced H. B. 128 ---------- 162
H. Res. 4 ----------